

BMWED

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION
of the International Brotherhood of Teamsters

JOURNAL



Volume 123 ■ Number 1

www.bmwe.org

January/February 2014

Amtrak Contract Decision Imminent *PRLBC Await Neutrals' Ruling*

After more than three difficult years of negotiating with Amtrak, a contract is imminent. The Passenger Rail Labor Bargaining Coalition (PRLBC) won a major victory last fall when Amtrak was compelled to agree to binding arbitration. The arbitration agreement required a certain time line for presentation by each party and then a final and binding decision by the three neutrals. Arbitration proceedings have ended, and now the parties wait for the neutrals' final decision, which may come before this *BMWED Journal* reaches the mailbox.

The BMWED and its coalition partner, Brotherhood of Railroad Signalmen (BRS), joined together to form the Passenger Rail Labor Bargaining Coalition. Between the two Unions, almost all of Amtrak's engineering department employees negotiated together as one bargaining unit.

Amtrak and the PRLBC began discussing the possibility of a binding arbitration agreement last July, and the parties signed the agreement in September. The dispute was supposed to be resolved and a contract in place by January 1, 2014, however, scheduling issues of the three neutrals delayed the proceedings until January 6, 2014. Although the PRLBC was adamantly opposed to the delay, it was ordered over their objections. Despite the delay, a decision should be rendered by March 1, 2014.

The three neutrals that will render a final decision are Chairman Ira Jaffe, Board Member Herbert Fishgold and Board Member Shyan Das. Their decision will be final and binding, and not subject to appeal or membership ratification.

**Amtrak, Continued on
Page 10**



Members of the Passenger Rail Labor Bargaining Coalition, which includes officers of both the BMWED and the Brotherhood of Railroad Signalmen, gathered in Washington, D.C. in January for arbitration proceedings with Amtrak. A decision on a contract, rendered by three neutrals who led the proceedings, should be known by March 1.



Pennsylvania Federation Chairman Jed Dodd presented a compelling argument to the neutrals on behalf of BMWED Amtrak workers in January.



Wyman Eugene Cheek

Wyman Eugene Cheek passed away Jan. 4, 2014 at Oklahoma University Hospital in Oklahoma City, Okla. Born June 6, 1949, he was 64 years old.



Federation Local Lodge 2408 for nearly 14 years prior to his retirement.

He is survived by his wife, Judy; daughters, Tara Woods and Bria Shepard; and granddaughters, Dorothy Shepard and Sierra Woods. He is also survived by a number of other relatives and many friends.

"On behalf of the BMWED, I would like to extend our deepest condolences to Brother Cheek's wife, Judy and the rest of the family," said BMWED President Freddie Simpson. "His service to our Union for more than a decade can never be repaid."

Brother Cheek went to work for the former Santa Fe Railroad in June 1968. He took leave in May 1969 to serve in the military and returned at the end of his tour of duty. He spent 42 years in the Bridge and Building Department at Burlington Northern Santa Fe before his retirement in 2010.

He served as President of the Atchison, Topeka & Santa Fe Frisco

Neil J. Marquar

Neil Marquar passed away Friday, Nov. 15, 2013 in New Orleans, La. Born May 13, 1951, Neil was 62 years old.

Neil made his home near New Orleans for most of his life before moving to Nashville, Tenn. to serve as a full-time Union officer. He had moved back to the area and was a resident of Ponchatoula, La. at the time of his passing.

Neil was proud of where he was from and loved the New Orleans area. He was a fierce New Orleans Saints and LSU Tigers fan. He lived life to its fullest and never met a stranger.

He leaves behind a daughter, Melissa Marquar; six brothers, Buck, David, Gary, Ricky, Danny and Paul; and numerous nieces and nephews. He was predeceased by his mother, Doris Marquar Lizana.

He began his career on the former L&N Railroad, M&NO Seniority District, in the Bridge and Building Department, and became a member of the BMWED on November 8, 1971. A number of Neil's relatives worked for L&N and later CSX, including two brothers, David and Ricky, both Drawbridge Tenders.

He was active in Local Lodge



916 for a number of years and was elected to serve as Vice Chairman for the former Dixie Federation in 1980, serving in that capacity until 1984. He was then elected to serve as General Chairman and held that position from 1984 until 1994.

Neil made an impact on the BMWED and loved serving the membership.

"I worked with Neil for many years and considered him a friend. He cared deeply about our Union and worked tirelessly for the membership during his time as an officer," said BMWED President Freddie Simpson. "I speak for the entire BMWED membership when I extend our heartfelt condolences to Neil's family," added Simpson.

LOCAL LODGES

Please notify the BMWED National Division of the passing of any retired BMWED member.

Call (248) 662-2660
extension 636.

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William J. "Bill" Pavlick

William J. "Bill" Pavlick passed away at his home in Mountain Top, Pa. Jan. 20, 2014 after a lengthy illness. He was 58.

Brother Pavlick was a member of the Pennsylvania Federation Local Lodge 935 and a former officer of Local Lodge 275 before its merger with 935 in April 2013. He was a very active and loyal advocate of the Brotherhood and remained a proud Union brother throughout his life.

Brother Pavlick began his railroad career on June 1, 1976 with the Consolidated Rail Corp. (Conrail) and finished with Norfolk Southern. He worked all across the system and had many friends on the railroad.

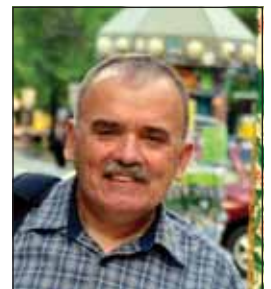
"The best way to sum up Bill is to say that not only was he a good Union person, but, best of all, he was an all-around good person," said Lodge 935 Secretary-Treasurer Michael Petrucci.

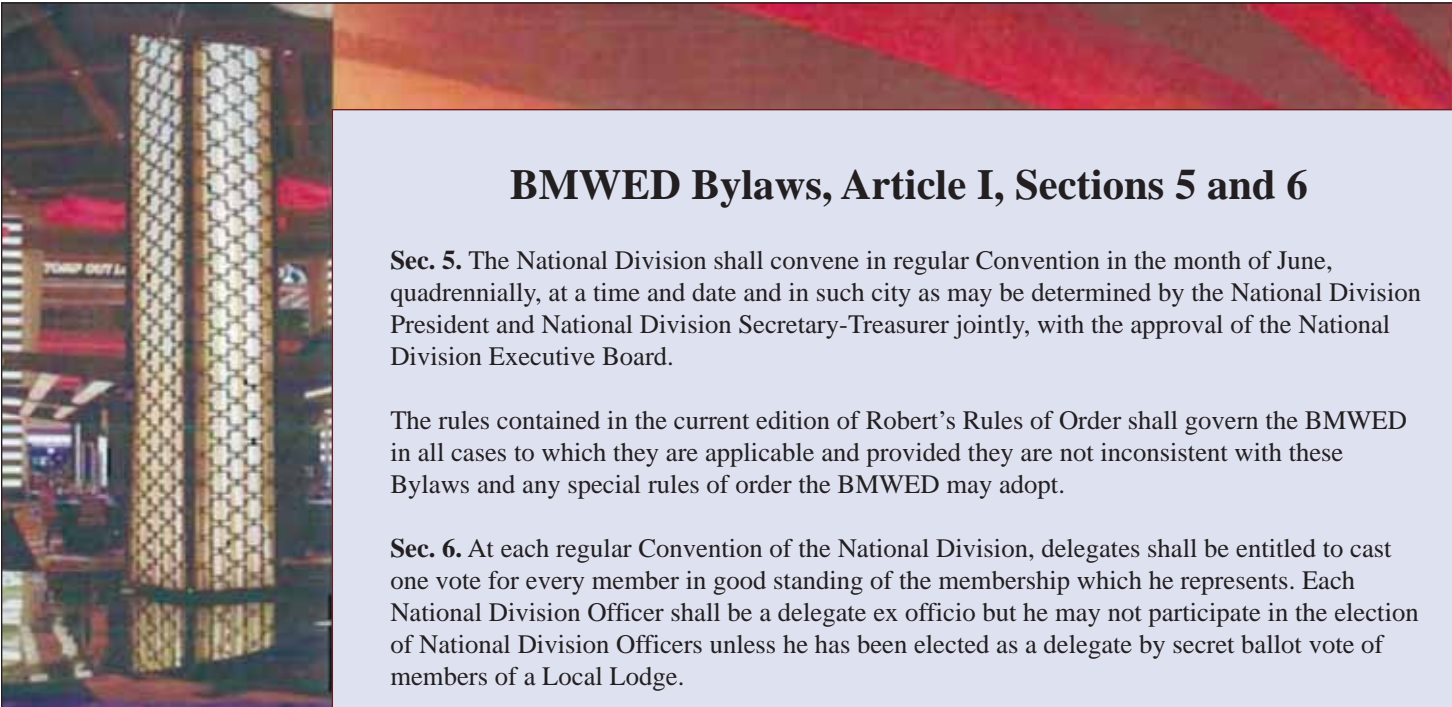
An obituary published in the

local newspaper said Brother Pavlick loved his family, wife, Joan; two daughters, Meredith and Shelby; and his son, Matthew.

He was also a proud member of the Mountain Top Fire Company.

"Brother Bill was a fine rail-roader and Union man, as well as a friend to many across the Brotherhood," said BMWED Secretary-Treasurer Perry Geller Sr. "Our deepest condolences go out to his wife and children and his many friends. He will be greatly missed."



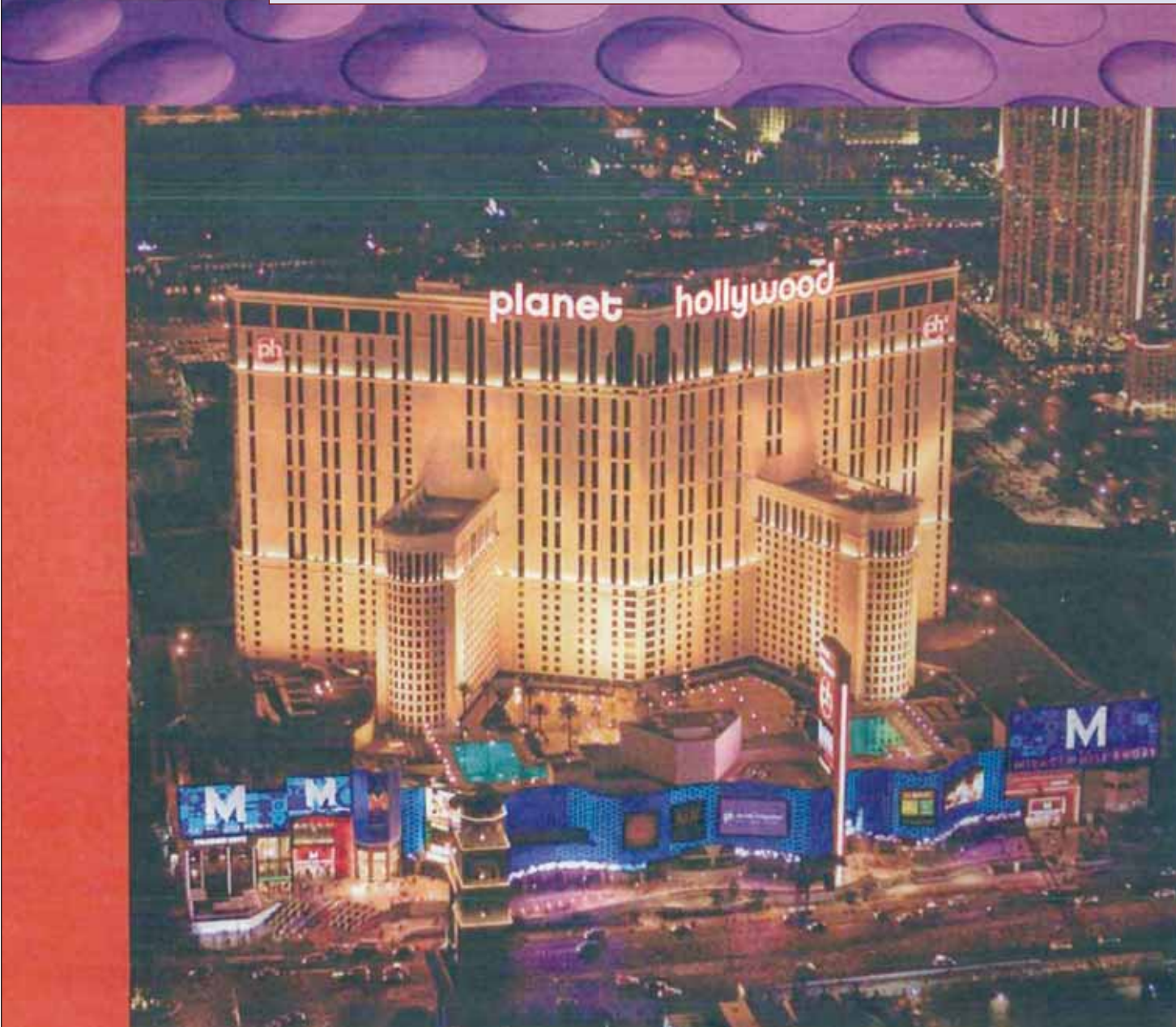


BMWED Bylaws, Article I, Sections 5 and 6

Sec. 5. The National Division shall convene in regular Convention in the month of June, quadrennially, at a time and date and in such city as may be determined by the National Division President and National Division Secretary-Treasurer jointly, with the approval of the National Division Executive Board.

The rules contained in the current edition of Robert's Rules of Order shall govern the BMWED in all cases to which they are applicable and provided they are not inconsistent with these Bylaws and any special rules of order the BMWED may adopt.

Sec. 6. At each regular Convention of the National Division, delegates shall be entitled to cast one vote for every member in good standing of the membership which he represents. Each National Division Officer shall be a delegate ex officio but he may not participate in the election of National Division Officers unless he has been elected as a delegate by secret ballot vote of members of a Local Lodge.



RRB Labor Member Announces Pre-Retirement Seminars for Rail Workers, Spouses

Railroad employees and their spouses closing in on retirement will be able to learn the latest benefit information and application requirements as part of a new program announced by Labor Member of the U.S. Railroad Retirement Board (RRB) Walter A. Barrows.

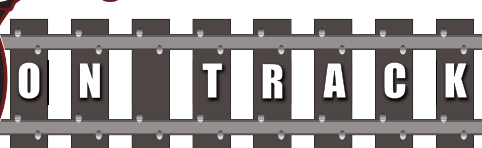
Designed for railroad employees and spouses planning to retire within five years, the new Pre-Retirement Seminars will familiarize attendees with the retirement benefits available to them and guide them through the application process. Individuals who have not previously submitted documents required when filing a railroad retirement annuity application, such as proofs of age, marriage or military service, are encouraged to bring this material to the seminar.

The program will begin this year on a pilot basis, with seminars planned for St. Louis on April 4, Omaha on May 16 and Huntington on June 20. Additional details regarding registration and locations will be announced soon.

RRB field personnel will lead the Pre-Retirement Seminars, which will be held from 1:30 p.m. to 3:30 p.m. On those same dates and in those same locations, Informational Conferences sponsored by the Office of the Labor Member will be conducted from 8:30 a.m. to 12:15 p.m. for invited rail labor representatives.



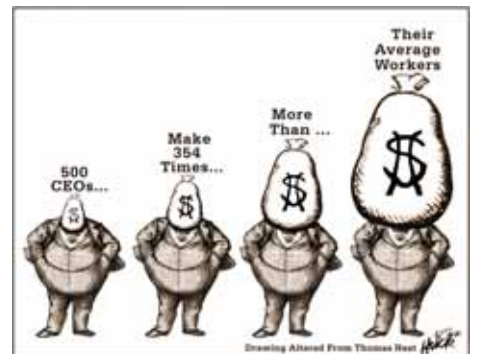
BMWED - 127 Years of Progress and Still...



2014 Las Vegas

Third Regular Convention of the Brotherhood of Maintenance of Way Employees Division Announced

The Third Regular Convention of the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters will be held June 23 - 25, 2014, at the Planet Hollywood Resort and Casino in Las Vegas, Nevada. More information will be provided as the Convention dates approach.



Brotherhood Awards 2013 BMWED Scholarships

The Brotherhood is pleased to announce the two winners of the 2013 BMWED Annual Scholarship Award. BMWED scholarships were recently awarded to Sarah M. Brown and Clark V. Pohlmeier. Each scholarship award is in the amount of \$2,000.

Sarah M. Brown, 17, of Hokah, Minn., is currently a student at Aquinas High School in LaCrosse, Wis. Brown will graduate high school in May 2014. She plans to pursue a bachelor's degree in criminal justice with a

minor in dance at Winona State University.

Brown is the daughter of Thomas D. Brown, BURL Lodge 1965 from Hokah, Minn. Thomas Brown works for Canadian Pacific Railway and has been a member of the BMWED since 1975.

Brown participates in many extra-curricular activities, including dance, track and riding and showing horses. She is a Blugold Ambassador at her school, where she welcomes and guides new students and school visitors.

"The union has given me so many opportunities to do things like dance, sports and riding horses," said Brown. "We are very aware of unions in our area. My dad even owns union made jeans. It's really important to us."



Brown also volunteers for several organizations. She is a member of the IMPACT club at her school, a student-led community service group. Brown has also volunteered for causes including animal rescue, cancer research, Meals on Wheels, the Lions Club, the Knights of Columbus, the Salvation Army and 4-H.

"My dad has taught me that unions help provide fair wages, safe working conditions and retirement protection," Brown said. "The union gave my dad a secure job so I can excel in my activities without worry."

Her career goals include becoming a police officer and obtaining a master's degree. She hopes to obtain a high-level position for the military police, the state police or the police department of a large metropolitan area.

"It's a big honor for me to receive the scholarship. It will really help me out with college, and I really appreciate it," Brown said.

★ ★ ★

Clark V. Pohlmeier, 18, of Grand Island, Neb., currently attends Northwest High School in Grand Island, Neb. Pohlmeier will graduate in May 2014. He plans to attend University of Nebraska at Kearney to pursue a bachelor's degree in supply chain management.

"I was excited when I found out I was a scholarship recipient," Pohlmeier said. "It was good to know that my hard work paid off."

Pohlmeier is the son of Wayne F. Pohlmeier, BURL Lodge 1214, from Grand Island, Neb. Wayne Pohlmeier works for BNSF Railway and has been a member of BMWED for more than thirty years.

Pohlmeier said the union impacts his life in many ways, most prominently because of his father's wages, benefits, job security and safe working conditions. According to Pohlmeier, this helps his family in today's difficult economic times.

"The union has given my dad many opportunities for our family to have a better life," Pohlmeier said.

Pohlmeier participates in activities including track, intramural sports, choir, theater and teaching children's swimming lessons. He is a member of Future Business Leaders of America and National Honor Society.

Pohlmeier's future career goals include obtaining a job in the logistics or supply chain field and becoming the head of a distributing corporation.

"I'm extremely humbled to be chosen out of all of the scholarship applicants," Pohlmeier said. "I feel very grateful."



TurboTax Discount For Teamsters



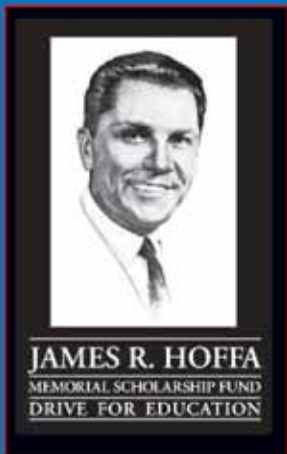
intuit.
TurboTax ✓

Teamster households now have access to a leading brand of tax preparation software, TurboTax, at a discount of up to \$20 off the price of Federal products. A portion of the price paid for the TurboTax product will be donated to the James R. Hoffa Scholarship Fund.

TurboTax products feature:

- A step-by-step interview with easy-to-understand questions;
- Forms automatically filled out using your answers; and
- 100 percent accurate calculations guaranteed.

Keep more of your hard-earned money this tax season. You can access Teamster TurboTax website at <http://turbotax.intuit.com/affiliate/teamster>



Like us on Facebook www.facebook.com/teamsters
Follow us on Twitter Follow @Teamsters on Twitter.
Sign Up for Updates Text "IBT" to 86466
(message and data rates may apply)



Extending Long-Term Unemployment Benefits is Essential



James P. Hoffa, General President, International Brotherhood of Teamsters

Congress erred in December when it approved a budget compromise that did not extend long-term unemployment benefits for some of the nation's most vulnerable citizens. Across the U.S., 1.3 million people lost their benefits on Dec. 28, and that number will grow as more people surpass the lower threshold for the program. For most, that is 26 weeks.

The problem is not with the American worker. Time and time again, men and women with middle-class dreams have stepped up and done as they were supposed to do at the workplace. Many took cuts to both their salaries and retirements and took on added responsibilities as needed. But due to the implementation of bad trade

policies like NAFTA, their jobs were increasingly shifted overseas and these hard workers were left with two options – bad and worse.

The federal government needs to support hardworking Americans who are having a tough time getting back on their feet in an economy that is still unforgiving for many in the middle class.

What can't be allowed to happen is letting millions of people fall by the wayside. Besides the 1.3 million who have lost unemployment benefits already, an additional 73,000 people a week will lose benefits as well. Beyond those initially affected, there are an additional 3.6 million who will get less aid than they would if the program isn't extended.

GOP leaders in the House and Senate need to step up and do what is right. For years, they have focused their efforts on helping corporate cronies looking for tax breaks whose companies in turn take in record profits and then sit on them and pay bonuses to their top executives. They don't create jobs.

Republicans should stop trying to divide the nation on this question of giving assistance to those still looking for work. This is a situation that knows no color, education level or income bracket. Leaving the unemployed holding the bag is not a solution that betters America.

Make sure you...

- Do not send the application directly to the Scholarship Fund.
- Send the completed application to your Local Union, System Federation or National Division.
- Do not send any I.R.S. statements or W-2 forms. The Scholarship Fund will not accept these documents.
- Do not send a picture.

QUESTIONS AND CORRESPONDENCE

Due to the large number of applicants for this program, applicants are encouraged to get help from their high school counselors to complete all the requirements.

If an applicant needs additional assistance, please contact the Scholarship Fund at this address:

JAMES R. HOFFA MEMORIAL SCHOLARSHIP FUND
 25 Louisiana Avenue, NW
 Washington, DC 20001
 Phone: (202) 624-8735
 E-Mail: scholarship@teamster.org

REGULATIONS GOVERNING USE OF SCHOLARSHIPS

Recipients must attend a U.S. college accredited by one of the six Regional Accrediting Commissions of Higher Education associated with the American Council on Education or a Canadian school which has membership in the Association of Universities and Colleges in Canada.

Furthermore, recipients must attend an accredited institution that charges tuition. A recipient may not utilize this scholarship while attending a tuition-free institution such as a military academy.

If the recipient is unable to attend college due to an illness certified by a physician, the scholarship will be held in abeyance for not more than one year. If schooling is interrupted by military service, scholarships will be held in abeyance for not more than two years, unless the military service is of such a nature as to warrant special consideration beyond that time. When returning from military service, the scholarship recipient must notify the Scholarship Fund and apply for readmission within 90 days and return to school within six months thereafter.

Scholarships will be renewed on an annual basis. The recipient must maintain an academic average consistent with the scholarship requirements of the institution attended. The recipients must maintain a B average (3.00 on a 4.00 scale).

Each year an inquiry will be made of the Teamster Member Relation's status with their local union. **Suspension from Teamster membership for non-payment of dues or for any other reason will result in forfeiture of the scholarship.**

The scholarship fund was established as a non-profit, stand alone, charitable incorporated organization (501(c)3 identification #52-2206826) which will raise significant money from affiliates and outside sources to award Teamster dependents greater scholarship opportunities than have been possible in the past. Although children represent less than 25 percent of the population in our countries, they are 100 percent of our future!



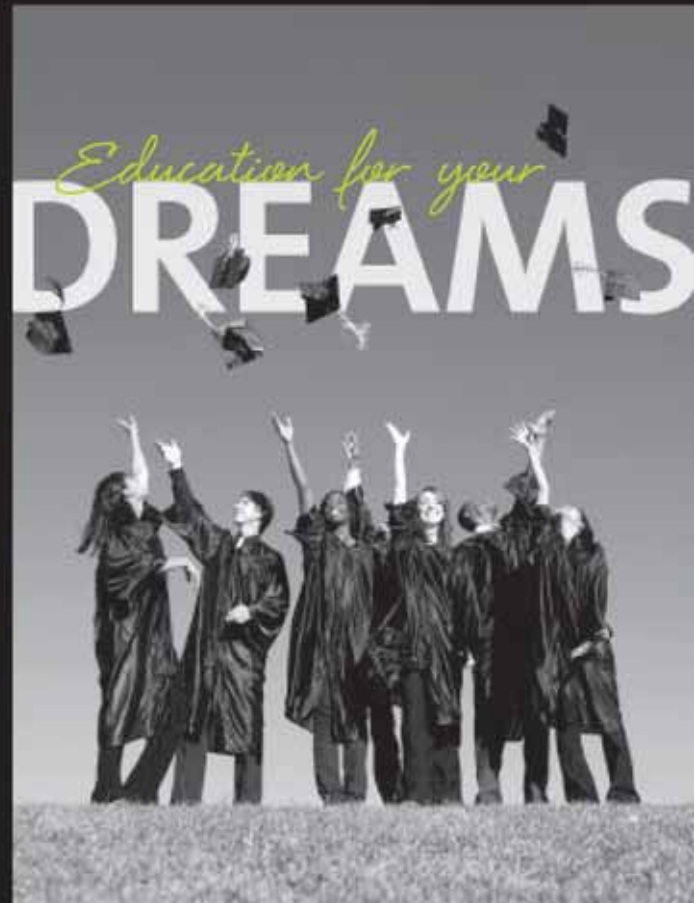
JAMES R. HOFFA became a Teamster member in 1934 and served as General President for 14 years, and, in recognition of his tireless service to the Union and its members, was honored as General President Emeritus for life. At the November 1999 General Executive Board meeting, General Secretary-Treasurer C. Thomas Keegel presented a resolution to establish the new scholarship fund.



*More winners at www.teamster.org

**THE JAMES R. HOFFA
 MEMORIAL SCHOLARSHIP FUND**
2014-2015
 ACADEMIC YEAR SCHOLARSHIPS

For High School Seniors who are Children or Dependents of Teamster Members



The James R. Hoffa Memorial Scholarship Fund
 25 Louisiana Ave., NW
 Washington, D.C. 20001
 Phone: (202) 624-8735
 E-mail: scholarship@teamster.org
 Web: www.teamster.org



For more information, contact your local Teamsters union office or visit www.teamster.org

Forms necessary for application can be found on the BMWED website at www.bmwe.org, or on the Teamster website at teamster.org/benefits/jrh-scholarship.



RETIREMENT CHANGES DURING 11/01/2013 TO 12/31/2013

<p>*** August 2001 ***</p> <p>BILLY L WELLS SOU 0808 NS 08/01/2001</p> <p>*** December 2012 ***</p> <p>FRANCISCO F FUENTES BURL 2857 NIR 12/31/2012</p> <p>*** February 2013 ***</p> <p>RODOLFO S LARA USD 0107 UP 02/01/2013</p> <p>*** March 2013 ***</p> <p>J S TRICE SOU 0808 NS 03/01/2013</p> <p>*** May 2013 ***</p> <p>VICTOR M GARIBAY BURL 2857 NIR 05/16/2013 MARTIN L CORBIN USD 0692 UP 05/30/2013 SERGIO U SORIANO USD 0227 UP 05/31/2013</p> <p>*** June 2013 ***</p> <p>NELSON L DEPREY N E 0633 ST 06/03/2013 ORVILLE MC CLOUD JR AF 0112 CSXT 06/23/2013 DAVID A STEVENS CRSF 1037 CSXT 06/30/2013 SAMUEL NIXON JR PENN 3018 NS 06/30/2013</p> <p>*** July 2013 ***</p> <p>HARRY H SAGAN JR CRSF 0347 ST 07/01/2013 DENNIS DONOFRIO BURL 2857 NIR 07/15/2013</p> <p>*** August 2013 ***</p> <p>GUADALUPE R HINOJOSA AF 1563 UP 08/16/2013 GARY W MANSPILE ASF 0599 NS 08/17/2013 ROBERT MC DUFFIE AF 2102 CSXT 08/22/2013 JOHN R O DONNELL N E 1718 NRPC 08/29/2013 STEVE E RETALLICK ASF 0598 NS 08/30/2013 DENNIS VINCENT AF 0025 CSXT 08/31/2013 CHARLES KRZYWICKI CRSF 0305 CR 08/31/2013 AUGUSTINE T SMARR CRSF 1923 NS 08/31/2013</p> <p>*** September 2013 ***</p> <p>ROY E MARVIN PENN 3061 NS 09/01/2013</p>	<p>ARTHUR L BLIZZARD ASF 0532 NS 09/04/2013 LARRY L KOZAK CRSF 1234 NS 09/04/2013 TERRY L BODEY PENN 3017 NS 09/04/2013 LARRY J HALE ASF 0599 NS 09/07/2013 ARNOLD E BURROWS JR PENN 3084 NS 09/07/2013 JAMES R SUDLOW CRSF 1664 NS 09/27/2013 TONY A ROSALEZ BURL 1074 BNSF 09/29/2013 JOHN J VANCE CRSF 1362 NS 09/30/2013 WILLIAM D CHRISTENSEN USD 0437 UP 09/30/2013</p> <p>*** October 2013 ***</p> <p>ALAN W CASE BURL 1142 BNSF 10/01/2013 FRANK LOPEZ BURL 1351 BNSF 10/01/2013 THOMAS R JONASEN BURNOR 0320 BNSF 10/01/2013 RICARDO Q AGUIRRE CRSF 1363 NS 10/01/2013 JOHN R HAYES CRSF 0505 CSXT 10/01/2013 WALTER B HALES SOU 0585 NS 10/01/2013 JAMES H TAYLOR SOU 2838 NS 10/01/2013 THOMAS WATKINS SOU 0525 NS 10/01/2013 CHARLES J JASPER USD 0473 UP 10/01/2013 BARRY L RATLIFF ASF 0568 NS 10/02/2013 WAYNE C JONES BURL 1316 BNSF 10/02/2013 JAMES E SCHLAHT BURNOR 0303 BNSF 10/02/2013 PHILLIP M AITKEN BURL 1316 BNSF 10/03/2013 DONALD D EDGAR BURL 2621 BNSF 10/05/2013 CHARLES L KLUTTS BURL 0961 BNSF 10/05/2013 LEONARD C BRANDENBERG BURNOR 0303 BNSF 10/05/2013 DEAN A WENDT USD 1788 UP 10/06/2013 SCOTT L ALLEN USD 1402 UP 10/09/2013 DAVID D LEPPANEN BURNOR 0706 BNSF 10/15/2013 DAVID T MANRING USD 1054 UP 10/15/2013 JON BRAYTON BURL 0014 BNSF 10/18/2013 DANE R YOUNGGREN BURL 1302 BNSF 10/22/2013 JAMES D ALBRITTON AF 2655 CSXT 10/25/2013 CLAYTON M CHAPMAN AF 0112 CSXT 10/31/2013 D E CREWS AF 2067 CSXT 10/31/2013 CARY G GARCIA AT&SFF 2419 BNSF 10/31/2013 RANDY D MC KEE CRSF 1900 CSXT 10/31/2013 C C GILLILAND S OU 0804 NS 10/31/2013 JAMES D WRIGHT USD 0757 UP 10/31/2013</p>	<p>*** November 2013 ***</p> <p>STEVEN E ZIMBELMAN BURL 1320 BNSF 11/01/2013 DUNCAN K BARTHOLOMEW BURNOR 0297 BNSF 11/01/2013 BRIAN L ECKART BURNOR 0303 BNSF 11/01/2013 THOMAS H FENNER BURNOR 0249 BNSF 11/01/2013 MARK W KUHNHENN BURNOR 1326 BNSF 11/01/2013 JAMES D LARKIN CRSF 1363 NS 11/01/2013 ALAN H MULL SOU 0536 NS 11/01/2013 DANNY R OVERBY ASF 0572 NS 11/02/2013 DONALD J BIGGS BURL 1320 BNSF 11/02/2013 JOHNATHAN D HORN BURL 1832 BNSF 11/02/2013 DOUGLAS L JOHNSON BURL 1320 BNSF 11/02/2013 JOHN A JARRELL CRSF 1900 NS 11/02/2013 DANNY PERRY CRSF 1900 NS 11/02/2013 TERRY W ADKINS SOU 0660 NS 11/02/2013 MARIAN CLEWIS AF 2161 CSXT 11/05/2013 D C SECRIST JR ASF 0577 NS 11/05/2013 TIMOTHY A CASTEEL AF 0965 UP 11/08/2013 STANLEY T BEEKEN BURL 0961 BNSF 11/09/2013 RICHARD A FRANK BURL 0509 BNSF 11/10/2013 NAZARIO CONTRERAS CRSF 1037 NS 11/13/2013 JAMES W STEWART BURL 0961 BNSF 11/16/2013 GREGORY P DUFFY BURL 1965 SOO 11/29/2013 ALFRED L BUTTERFIELD BURL 0230 BNSF 11/30/2013 JOHNNY R WRIGHT BURL 2621 BNSF 11/30/2013 JIMMY BUSTOS USD 0686 UP 11/30/2013 BRUCE E EIDENSHINK USD 0519 UP 11/30/2013 MARIO MENDOZA USD 0686 UP 11/30/2013</p> <p>*** December 2013 ***</p> <p>DANIEL T QUINONES CRSD 2910 SPTA 12/01/2013 KEVIN R SPOONER USD 1152 UP 12/01/2013 WILLIAM A BOULTON CRSF 1657 CSXT 12/05/2013 RONNIE D KARASH BURL 1214 BNSF 12/07/2013 JAMES E GRIFFIN AF 2163 CSXT 12/10/2013 LEONARD B JESSUP SOU 0537 NS 12/11/2013</p>
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QR Codes

A QR code (Quick Response Code) is a two-dimensional code that can be scanned with a mobile phone to gain access to specific information via the mobile web.



Scan me to Visit
the **BMWED**
website!



How to Use QR Codes

To access the information, you will need to download one of several free QR Code reader apps on your smart-phone. When you see a QR Code, focus your camera on the image and the application will recognize the code and automatically open up the link to display the web content.

DEATH BENEFIT DEPARTMENT

REPORT OF DEATH BENEFIT CLAIMS PAID DURING NOVEMBER AND DECEMBER, 2013

NAME	CITY/STATE	LODGE/SYSTEM/RR	D.O.D.
ARCHIE W. BASCO	ROSEDALE, LA	1176 AF/LIFE	10/01/13
CHARLIE BELL	VICKSBURG, MS	0652 ICGF/LIFE	10/20/13
ELMER BLUML	CARROLL, IA	0692 USD/LIFE	09/04/13
ALPHA A. CHEVRETTE	HOOKSETT, NH	0160 CRSF/LIFE	10/13/13
RAYMOND H. CURTIS SR.	WHITEFIELD, NH	0633 NE/LIFE	11/25/13
DEXTER R. DENNIS	WATERLOO, IA	1393 ICGF/LIFE	08/30/13
FRANK E. MARTINEZ	CHEYENNE, WY	0686 USD/LIFE	06/08/13
MARION D. MC LAUGHLIN	PARKERSBURG, WV	1509 AF/LIFE	10/18/13
JAMES M. PERTEE	FISHERS, IN	0613 ASF/LIFE	08/04/13
WILLIAM M. SCHULTZ	LA CROSSE, WI	1965 BURL/LIFE	10/28/13
HAROLD L. STAFFORD	JANESVILLE, IA	1757 USD/LIFE	11/16/13
HERMAN G. TAYLOR	LEESVILLE, SC	2426 AF/LIFE	10/10/13

PAID NOVEMBER 1, 2013 TO DECEMBER 31, 2013	\$ 6,000.00
AMOUNT PREVIOUSLY PAID	\$45,456,807.75
TOTAL AMOUNT PAID TO DATE	\$45,462,807.75
NUMBER OF CLAIMS PAID - 12	

REPORT OF DEATH NOTICES RECEIVED DURING NOVEMBER AND DECEMBER 2013

STANLEY P. CHANDLER	VIBURNUM, MO	0493 AT&SFF/BNSF	11/05/13
JAMES G. DESKINS	ELGIN, IL	2857 BURL/NIR	10/19/13
MIKE HALEY	DALTON, GA	0536 SOU/NS	11/23/13
CHARLES W. HALL	LEXINGTON, MO	2402 AT&SFF/BNSF	10/12/13
ARLIN D. MASTERSON	CENTRALIA, IL	0788 BURL/BNSF	12/18/13
CHARLES M. MC LAIN	LEROY, AL	0529 SOU/NS	08/31/13
RALPH F. MORTON	LENIOR CITY, TN	0567 SOU/NS	11/06/13
ELVIN L. SMOTHERS	WINONA, MN	0509 BURL/BNSF	11/25/13
WILLIAM D. WALLACE	AUGUSTA, MT	0735 BURNOR/BNSF	12/03/13
ROBERT E. WETZEL	ERIE, PA	0482 CRSF/CR	11/20/13



The following article was borrowed from the UnitedHealthcare December, 2013 Newsletter;

Your heart health

Angina: What it is — and what it means for your heart



By Tanise Edwards, M.D.

The heart pumps so quietly and steadily that, most of the time, we don't give it a second thought. But, this vital muscle needs oxygen-rich blood to work properly. And, when it doesn't get enough, the result can be chest pain or discomfort.

This is called angina. It isn't a disease in itself. But, it is a symptom of heart trouble.

Here are some common questions and answers about angina:

Q. *What causes angina?*

A. Usually, it's caused by atherosclerosis. With this condition, the vessels that feed the heart are slowly narrowed, stiffened and clogged by a fatty substance called plaque.

Q. *What does angina feel like?*

A. People with angina often describe it as pressure, squeezing, burning or tightness in the center of the chest.

They may also feel pain in the arms, shoulders, neck, jaw, throat or back. And, it can sometimes come with nausea, tiredness, shortness of breath, sweating, light-headedness or weakness.

Q. *What's the difference between stable and unstable angina?*

A. If you're diagnosed with angina, a doctor can determine what type it is: stable or unstable. Both mean you're at risk of a heart attack — but unstable is more dangerous.

Stable angina tends to follow a predictable pattern. Physical activity — such as climbing stairs — is the most common trigger. And, the pain usually goes away with rest. But, cold weather, smoking, stress or even a large meal can also bring it on. It's

Angina, Continued on Page 10





Amtrak, Continued from Page 1

The position of the PRLBC has been that Amtrak employees are entitled to the national freight agreement, which has been a pattern for settlement for nearly four decades. Contrary to their own past practice, Amtrak has argued for a version of the settlements they have reached with other unions during the past two years.

During the arbitration proceedings, the PRLBC was represented by a number of experts who provided testimony on behalf of BMWED and BRS. Among the several witnesses providing testimony was Pennsylvania Federation General Chairman Jed Dodd. Brother Dodd represents a large number of Amtrak employees and provided key testimony.

General Chairman Dodd offered, "I have chaired the BMWED bargaining committee on Amtrak for 30 years. For the last 30 years we have seen about a dozen Amtrak CEOs come and go. Each of these political appointees strive to ensure that Maintenance of Way workers on Amtrak should earn less and have fewer rights than their fellow Brothers and Sisters on the freight railroads. Like those who came before him, Joe Boardman insists that we accept his offer that will make us the lowest paid Class 1 railroad workers in the country. Fortunately, our membership understands this and supports the Union in our daily struggle to maintain Class 1 standards on Amtrak."

Those representing BMWED Amtrak employees within the PRLBC include:

- BMWED President – Freddie Simpson
- Pennsylvania Federation – General Chairman, Jed Dodd
- Consolidated System Federation – General Chairman, T. J. Nemeth
- Northeastern System Federation – General Chairman, Dale Bogart
- Unified System Division – General Chairman, Louis Below
- Illinois Central Gulf Federation – General Chairman, Hayward Granier
- Allied Federation – General Chairman, Dennis Albers

For the BRS:
BRS President – Dan Pickett
BRS General Chairman – Dave Ingersoll

"It has been a three-year battle for our members at Amtrak, but the battle is nearly over," offered BMWED President Freddie Simpson. "Our members have been patient, and if the neutrals heard our arguments, the decision should be a deserving and fair response to our demands."

The Amtrak arbitration decision will be reported in the March/April issue of the *BMWED Journal*.

You can now visit the BMWED on Facebook at **Brotherhood of Maintenance of Way Employees**, and follow us on *Twitter* at **BMWEDIBT**.

Angina, Continued from Page 9

climbing stairs — is the most common trigger. And, the pain usually goes away with rest. But, cold weather, smoking, stress or even a large meal can also bring it on. It's the most common kind of angina. If you have stable angina, your doctor can give you a plan of action for when it strikes. That may include medication.

Unstable angina is less predictable. It can occur even at rest. And, it may last longer, happen more often or be more severe than stable angina. Also, stable angina can become unstable if the symptoms stop following a pattern or if your usual medicine doesn't relieve the pain. Unstable angina can mean you're in immediate danger of a heart attack.

The bottom line: All new, changing or worsening chest pain or discomfort should be checked out right away. If you think you may be having a medical emergency, call 911.

Q. Who gets angina?

A. If you have risk factors for heart disease, you are more likely to develop angina.

You're at higher risk of angina	
If you have:	If you:
• Diabetes	• Are a man older than 45 or a woman older than 55
• Unhealthy cholesterol levels	• Smoke or are exposed to secondhand smoke
• High blood pressure	• Are overweight
• Metabolic syndrome*	• Don't exercise
• A family history of heart disease	• Have an unhealthy diet

*Metabolic syndrome is a name given to a group of three or more risk factors that increase the risk for heart disease, diabetes and stroke. They include high blood pressure, high blood sugar, low HDL cholesterol, high triglycerides and excess weight carried around the waist.

Q. How is angina treated?

A. If you have angina, your doctor will likely suggest some important lifestyle changes. You may be advised to:

- Avoid tobacco, including secondhand smoke
- Lose weight
- Exercise regularly*
- Eat a healthy diet
- Find healthy ways to relieve stress

To relieve or help prevent angina attacks, doctors often prescribe nitroglycerin or other medicines. They help relax and widen blood vessels. That allows more blood to reach the heart.

Other medicines may be used to help control conditions linked to angina — such as high blood pressure and cholesterol.

If lifestyle changes and medicines don't control your angina, other treatments may be considered.

*For safety's sake, talk with your doctor before significantly increasing your activity level.



BMWED Gains Another Whistleblower Victory Against Norfolk Southern Railroad

A member of the BMWED won a major Federal Rail Safety Act anti-retaliation victory against Norfolk Southern Railroad. The nation's railroads and NS have cynically argued that a railroad employee's pursuit of their collective bargaining rights under Section 3 of the Railway Labor Act is an "election of remedies" under the law that would bar the filing of a whistleblower case under §20109 of the Federal Rail Safety Act. In its January 14, 2014 ruling against NS, the Chicago-based Seventh Circuit U.S. Court of Appeals held that, "The election-of-remedies provision only bars railroad employees from seeking duplicative relief under overlapping anti-retaliation or whistleblower statutes; it does not diminish their rights or remedies under collective bargaining agreements in any way."

The BMWED first battled the railroads on this issue in 2009, resulting in the Department of Labor and OSHA adopting the BMWED's legal position as official governmental agency policy. Then the BMWED helped win this fight before the OSHA Administrative Review Board. Subsequently, the BMWED led the fight over this issue before five different federal district courts and won them all.

As a result of the BMWED's concerted activity, the 2007 FRSA amendments, designed by Congress specifically to add to the rights of workers, are providing effective relief for the victims of railroad retaliation. These results did not happen by accident. Upon passage of the 2007 FRSA amendments, the National Division Officers, in consultation with Special Counsel Harry Zanville, BMWED General Counsel Bill Bon and other key staff and counsel, initiated a strategy to capitalize on the potential benefits of this law. Very early in the process, the National Division Officers developed and approved a coordinated and well-funded effort to help shape the law and maximize its protections for BMWED members and all of rail labor.

BMWED President Freddie Simpson said, "We will not stand by and allow any railroad to retaliate against our members in violation of their rights. The

BMWED will continue to stand up with the members and fight to protect them against carrier abuse."

Do you have an interesting hobby or a great story to tell? Pictures from a recent lodge meeting or event? We want to hear and see them. Contact the Journal at cballew@bmwe.org.

Recognizing the Symptoms of Depression

Tips to Help Keep Your Health On Track!

Recognizing depression and treating it appropriately may be the start of a healthier, happier lifestyle. Left untreated, depression can potentially become a serious medical condition. It not only affects one's mood, thoughts and body, but it also affects one's sleep, appetite, self-worth, and overall decision making. Depression is not an indication of a personal weakness. It is an illness and with appropriate treatment most people who suffer from it will feel better. ⁽¹⁾

Men and women react differently to depression

While statistics show that more women than men suffer from depression, there may be an underlying cause to the gender difference. Research shows that men are less likely than women to admit that they are depressed and, as a result, they do not seek treatment. Understanding the differences in how men and women react to depression is critical to recognizing when someone is depressed in order to help them begin the treatment and healing process. ⁽¹⁾

Symptoms of depression

Not all individuals who are depressed experience every symptom; some experience a few of them, while others suffer from many. The more common symptoms of depression are: ⁽¹⁾

- Persistent sad, anxious moods such as hopelessness and worthlessness
- Loss of interest in hobbies or activities that once brought you joy
- Decreased energy and increased restlessness and irritability
- Noticeable change in concentration and decision making
- Loss of appetite
- Sleep disturbances

How you can help yourself

Since depression can leave you feeling exhausted, helpless and hopeless, it is important to be able to acknowledge that your depression is an illness and seek treatment as soon as possible. Some things that you can do to help ease some of your depression are: ⁽¹⁾

- Confide in someone you trust rather than being alone and secretive
- Participate in a social activity that may make you feel better
- Exercise more or start an exercise program
- Set realistic goals as you cope with your depression
- Let your family, friends and health professionals help you
- Understand that feeling better takes time
- Do not make any important life-changing decisions until you are feeling better

How family, friends and health professionals can help

Family members, friends, employee assistance professionals and health professionals can play an important role in helping someone who is depressed receive a proper diagnostic evaluation and treatment. If you or any loved ones are struggling with depression, call the mental health number on the back of your medical ID card for confidential support and resources. You or any member of your household can also go to www.liveandworkwell.com to access the mental health benefits under your plan, along with various tools that may help you live a healthier, happier lifestyle.

⁽¹⁾ www.mentalhealthscreening.org

This is informational only; not a replacement for the medical advice of your physician.
November 2013

A Vice President Speaks

Don't allow toxic leadership to go unchecked



Roger Sanchez
South Region
Vice President

The U.S. Army has recently started to study the effects of "toxic leadership" on its soldiers. Army brass is worried that tyrannical leadership is contributing to a litany of problems

within its ranks, including apathy, depression, and even suicide. The Army studies are very telling about how toxic leaders can demoralize an organization from the inside out and lead one to ponder ways to eradicate it. The problem is an important issue and one to be taken seriously by every organization, even railroads.

Toxic leadership is a relatively new term, but the concept it describes has been around as long as there have been bosses. We are not simply talking about lousy, incompetent people in management or leadership roles, but rather those who are abusive, arrogant, and petty. The Army has described toxic leaders as those who are "unconcerned about, or oblivious to, staff or troop morale." Unfortunately, toxic leaders exist not just in the military, but also in other professions, including the railroad.

If you think about the origins of labor unions, including the establishment of our very own BMWED, most if not all of the world's labor organizations began because of direct mistreatment of workers by their bosses. In the early days of labor, workers who were treated unjustly had little to no recourse. The abuse from supervisors was pervasive in all lines of work and was often not only encouraged by the company honchos, but demanded. The bravest men and women were those who stood up to the mistreatment and organized their colleagues to push back against patent unfairness. This took exceptional courage.

Labor leaders like Samuel Gompers (who founded the American Federation of Labor in 1886) and Eugene Debs (founder of the American Railway Union in 1893) were men who witnessed firsthand the abuse of power toxic leaders could wield and took a stand against it through worker unification. It was a brave and bold move in the direction of evening the playing field for workers.

Today, despite the acts of courageous men to breathe life into the labor union movement, many of the same reservations employees had in challenging their bosses still exist. The courage that people like our Brotherhood's founder, John T. Wilson, exhibited in challenging unfair railroad work conditions, while in complete disregard of the potential repercussions, remains difficult to summon. People fear a personal risk if they stand up to toxic leaders. Too often, they feel obligated to tolerate abuse from their manager simply because they need their paycheck. The trepidation of losing a job creates a feeling of helplessness.

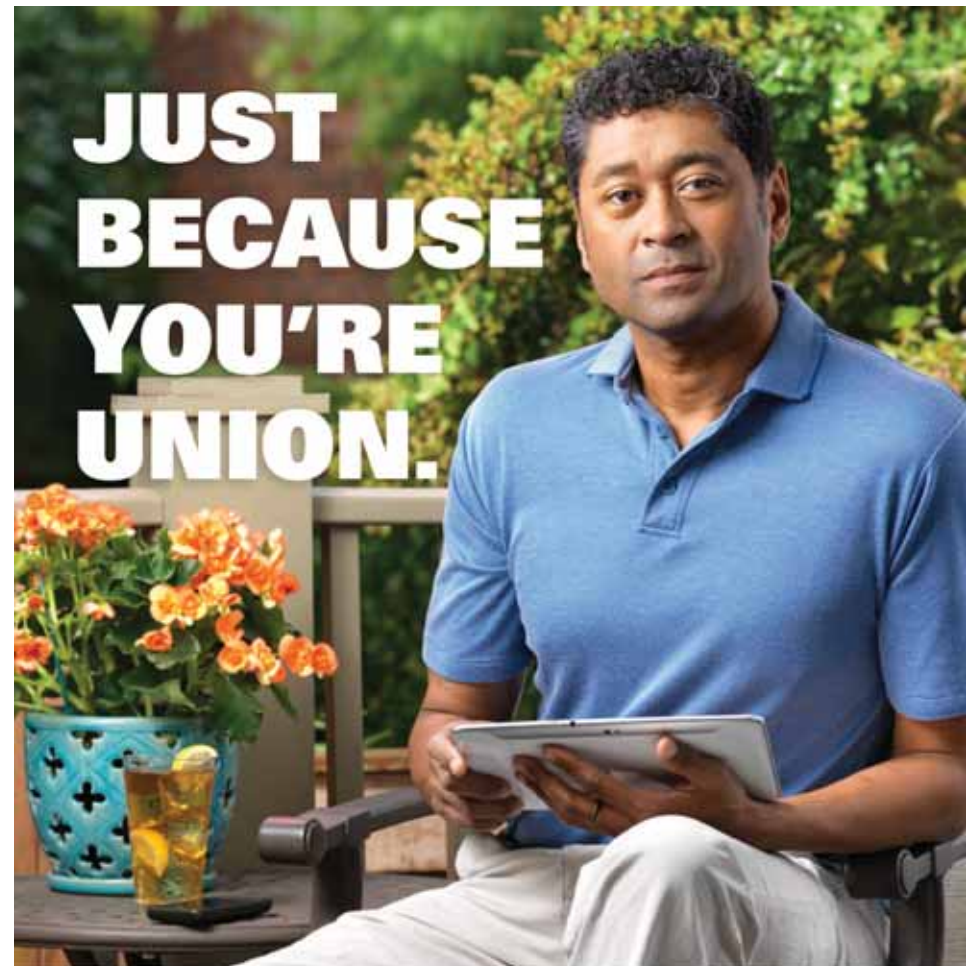
Toxic managers can make you miserable. The worst are those who drain your energy and passion for your job. It is no secret that Maintenance of Way Employees spend an awful lot of time at work. Often, it is simply what the job entails. Thanks to your labor union, the BMWED, when you're required to work overtime, you are compensated fairly for your effort. Getting paid time-and-a-half, or in some instances, double-time, for long shifts at work is not a benefit the railroad carrier freely gave away. It took the work of union representation lobbying for overtime pay. In some instances it took the bold stance of striking. These efforts ultimately yielded major results, including the passage of federal law for overtime pay.

Because track workers spend so much of their lives at work, we must keep an eye out for toxic leaders and report them for violations of company policy and our collective bargaining agreement. Abuse and intimidation are not something we have to accept in return for employment on the railroad. Studies show most people spend half their lives at work. A workplace filled with stress and anxiety due to a toxic supervisor is not healthy and can carry over to other aspects of life outside of the job. This is a problem where the railroad carriers and the BMWED should agree.

An Army Lieutenant General charged with studying and eradicating toxic leaders from its ranks called the problem destructive. He said toxic leaders are "not innovative or creative." He further said "toxic leaders might be able to get some short-term results or immediate missions at hand done, but in the process, they are destroying the organization and destroying their people."

Regrettably, this kind of abuse of power described by the Army officer could also fester on the railroad if it is allowed to go unchecked. If you feel as if you are targeted and intimidated by a manager, please report the problem to your BMWED representative. Remember, if you are within

your negotiated rights outlined in the collective bargaining agreement, you do not have to tolerate intimidation, coercion, retribution or any other variation of undue stress from your manager. Through our CBA and labor laws, we can in some cases help.



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 Indiana Harbor Belt Railroad Company
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 —Consolidated Rail Corporation
 —New York Connecting Railroad
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 Ironton Railroad Company, the
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 Georgia Northern Railway
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 Kentucky & Indiana Terminal Railroad Company
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 Minneapolis & St. Louis Railway Company
 Minneapolis Industrial Railway
 Chicago and Western Indiana Railroad Company
 Escanaba and Lake Superior Railroad Company
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 Peoria and Pekin Union Railway Company
 Petaluma and Santa Rosa Railroad Company
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 Tucson, Cornelia and Gila Bend Railroad
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Pages 13 - 16 contain
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VACANT

NEW MEXICO

FRANK DAVID
P.O. Box 416
Vanderwagen, NM 87326-0416
(505) 778-5794 Cell: (505) 979-1093
fdavid@wildblue.net

NEW YORK

JESSE J. DEWE
8483 Stout Road
Cuba, NY 14727
(904) 404-6638
jjdew08@aol.com

NORTH CAROLINA

FREDRICK C. BESS
429 Glencroft Drive
Wingate, NC 28174
(704) 733-8012
frebes36@msn.com

NORTH DAKOTA

COREY C. JOHNSON
911 4th Street SW
Minot, ND 58701
(701) 420-2070 Cell: (701) 720-4750
cjohnson5980@hotmail.com

OHIO

PERRY K. GELLER, JR.
P. O. Box 953
Port Clinton, OH 43440-0953
Cell: (419) 309-0570
clevelandrocks2@hotmail.com

OKLAHOMA

RONNIE J. TAYLOR
1405 W. Oklahoma Ave.
Enid, OK 73703-5740
Cell: (405) 740-6917
ron.taylor@hotmail.com

OREGON

MIKE E. GEKAS
P.O. Box 1658
1414 Z Avenue
LaGrande, OR 97850-6658
(541) 962-7695 Fax: 541-963-4103 Cell: (202) 731-8229
mgekasusd@gmail.org

PENNSYLVANIA

WILLIAM K. MANNING
P.O. Box 285
Prospect Park, PA 19076-0285
(610) 461-8641 Fax: 610-461-0422 Cell: (610) 322-7071
wkmanning@aol.com

RHODE ISLAND

GEOFFRAY ALBRO
1565 Main Street
Coventry, RI 02816-8444
(401) 419-2473
geoffa78@verizon.net

SOUTH CAROLINA

BRYANT D. MOSES
705 S. Church Street
Florence, SC 29506
(843) 669-8177 Cell: (843) 618-3473
bdmoses6@bellsouth.net

SOUTH DAKOTA

TIMOTHY R. EVEN
1310 3rd Ave. NE
Aberdeen, SD 57401
(605) 262-8000 Cell: (605) 216-2901
treven_57401@yahoo.com

TENNESSEE

JEFFREY JOINES
940 Harkreader Road
Mount Juliet, TN 37122-4015
(615) 443-0298 Cell: (615) 337-9643
jeffjoines@bellsouth.net

TEXAS

RICKY J. RICHARD
5307 Lyre Street
Orange, TX 77630-8874
(409) 735-9386 Cell: (409) 749-0663
101slickrick@sbcglobal.net

UTAH

PHILLIP O. SCOTT
2002 S. 1840 W.
Syracuse, UT 84075-8547
(801) 525-1958
phils8@yahoo.com

VERMONT

VACANT

VIRGINIA

GREGORY L. MARSTON
400 Melody Lane
Crewe, VA 23930-1066
(434) 645-7496 Fax: 434-645-1859
Cell: (434) 298-6941
vabmwe@embarqmail.com

WASHINGTON

ANDREW J. WELLS
1411 E 3rd Circle
LaCenter, WA 98629-5548
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wells05@comcast.net

WEST VIRGINIA

DANA D. BOOTH
310 1/2 Beverly Pike
Belington, WV 26250-9412
(304) 823-2054
trackerdana@gmail.com

WISCONSIN

JOSHUA KRAMER
711 Michelson Street N
Hudson, WI 54016
Cell: (651) 271-6478
jkluggnut@gmail.com

WYOMING

KRISTINA DELGADO
P.O. Box 1761
Casper, WY 82602-1761
(307) 234-6510 Fax: 307-234-6510
Cell: (307) 259-8643
kristyd307@aol.com



Legal Aid Program List

Here is an updated list of the approved attorneys in the Brotherhood of Maintenance of Way Employees Division's Legal Aid Program who can be called on for advice and assistance when needed in case of on-the-job personal injury or death.

Brotherhood of Maintenance of Way Employees Division members who are injured on the job, or the dependents of members killed as a result of such injuries, should ascertain their rights and protections under the Federal Employers' Liability Act (FELA) before attempting any settlement with a railroad company.

Under the Legal Aid Program, in case of personal injury or death while employed on a railroad, a Brotherhood of Maintenance of Way Employees Division member or his family has access to competent legal counsel in making claims under the FELA.

The Brotherhood of Maintenance of Way Employees Division-approved legal aid attorneys are well qualified to handle cases under the FELA.

LAW FIRMS APPROVED TO HANDLE CASES FOR MAINTENANCE OF WAY EMPLOYEES UNDER THE FEDERAL EMPLOYERS' LIABILITY ACT

Blunt & Slocomb, Ltd.

60 Edwardsville Professional Park
P. O. Box 373
Edwardsville, IL 62025
TELEPHONE: (618) 656-7744
FAX: 618-656-7849
TOLL FREE NATIONAL: (800) 323-5538
www.bluntlaw.com

Daniel J. Downes, P.C. *

101 N. Wacker Drive, Suite 200
Chicago, IL 60606
TELEPHONE: (312) 781-1852
FAX: 312-781-1854
TOLL FREE: (800) 624-2121
ddownes@ridgedownes.com
www.ridgedownes.com

Hubbell Law Firm, L.L.C.

Union Station
30 West Pershing Road, Suite 350
Kansas City, MO 64108-2463
TELEPHONE: (816) 221-5666
FAX: 816-221-5259
TOLL FREE NATIONAL: (800) 821-5257
www.hubbellfirm.com

Ingebritson & Associates, P.A.

Attorneys at Law
IDS Center
80 S. 8th Street, Suite 2030
Minneapolis, MN 55402
TELEPHONE: (612) 340-8290
FAX: 612-342-2990
TOLL FREE NATIONAL: (800) 282-6393
www.ingebritson.com

Jones, Granger, Tramuto & Halstead

P. O. Box 4340
Houston, TX 77210-4340
TELEPHONE: (713) 668-0230
FAX: 713-956-7139
TOLL FREE
TX ONLY: (800) 392-0620
NATIONAL: (800) 231-3359
www.jonesgranger.com
weldon@wgranger.com

James A. Ebert, LLC

Attorney at Law
15 Piedmont Center, Suite 1560
3575 Piedmont Road, NE
Atlanta, Georgia 30305
TELEPHONE: (404) 872-7759
FAX: 404-872-9430
TOLL FREE: (888) 753-0533
jebert@jamesebert.com
www.jamesebert.com

The Moody Law Firm *

500 Crawford Street, Suite 300
Portsmouth, VA 23704
TELEPHONE: (757) 393-4093
FAX: 757-397-7257
TOLL FREE NATIONAL: (800) 368-1033
www.moodyrllaw.com

Pratt & Tobin, P.C.

P. O. Box 179
Route 111 at Airline Drive
East Alton, IL 62024
TELEPHONE: (618) 259-8011
FAX: 618-259-6793
TOLL FREE: (800) 851-5562
www.prattandtobin.com

Rossi Vucinovich Flaskamp P.C. *

1000 Second Avenue, Suite 1610
Seattle, WA 98104
TELEPHONE: (425) 646-8003
FAX: 425-646-8004
TOLL FREE: (866) 357-RAIL (7245)
www.rcvpc.com

Thornton & Naumes, L.L.P.

100 Summer Street, 30th Floor
Boston, MA 02110
TELEPHONE: (617) 720-1333
FAX: 617-720-2445
TOLL FREE NATIONAL: (800) 431-4600
www.tenlaw.com

*Note: Primary office location.

Why Choose A BMWED-Designated FELA Attorney?

In this day of specialization, most lawyers, like most doctors and other professionals, tend to specialize. If you have tax problems, you go to a lawyer who knows the tax laws. If you have family matters to be handled, you go to a lawyer who knows the laws about wills, estates, probate, divorce, etc. That is why, if you're injured on the railroad, you need to go to a lawyer who knows the Federal Employers' Liability Act (FELA).

FELA became law in 1908. Under FELA, an injured railroad employee or his/her family survivors have the right to recover damages in court (state or federal). They have the right to a jury trial which can award damages based upon the railroad's negligence that resulted in the employee's injury or death.

Choosing a Brotherhood of Maintenance of Way Employees Division-designated FELA attorney is important because, as one court case stated, "injured workers or their families often fall prey ... to persuasive claims adjusters eager to gain a quick and cheap settlement for their railroad employers, or to a lawyer either not competent to try these lawsuits against the able railroad counsel or too willing to settle a case for a quick dollar."

Since most people don't deal with lawyers except in a time of need, the Brotherhood of Maintenance of Way Employees Division has a long-standing policy of evaluating FELA law firms. Using established guidelines, the Brotherhood of Maintenance of Way Employees Division chooses the best to be on its approved or designated list which is printed

OFFICIAL NATIONAL DIVISION CREDENTIAL Brotherhood of Maintenance of Way Employees Division International Brotherhood of Teamsters

The bearer of this credential is authorized as a representative of approved counsel by the Brotherhood of Maintenance of Way Employees Division to consult and investigate accidents involving death or injury to our members. The credential expires on January 1, 2015 unless revoked.

Issued to _____
Title _____
Firm _____
Signed *Freddie N. Simpson* *Perry K. Geller, Sr.*
Freddie N. Simpson/President Perry K. Geller, Sr./Secretary-Treasurer

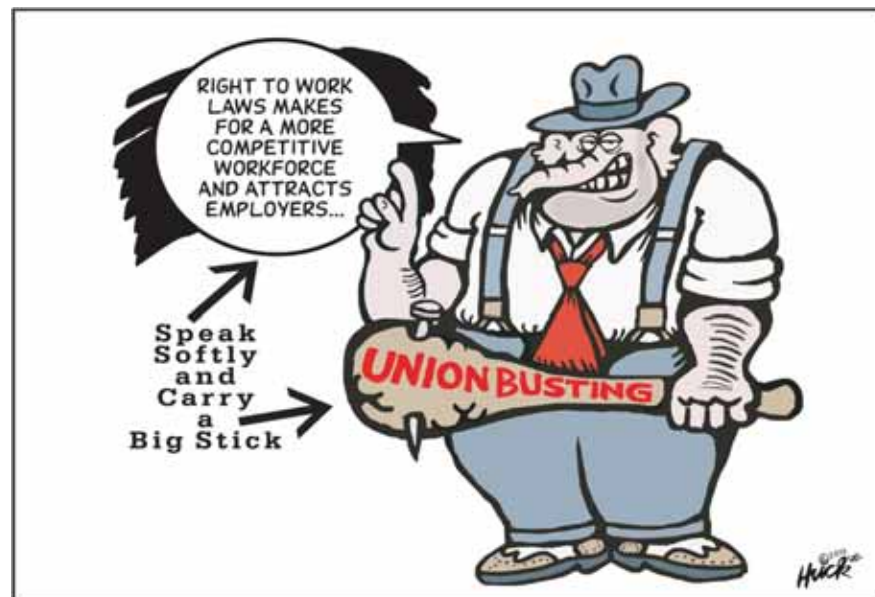
twice yearly in the Brotherhood of Maintenance of Way Employees Division Journal.

Criteria used for evaluating FELA law firms include:

- Must have an established record of successful litigation experience.
- Must furnish National Division with a summary of cases handled (insofar as such disclosure is consistent with "attorney-client" privilege).
- Must charge a contingency fee of no more than 25 percent.
- Must give injured members free advice in connection with their injury and render free assistance to them in related matters.

Because the Brotherhood of Maintenance of Way Employees Division recognizes the importance of competent and fair legal counsel for its members, it regularly monitors the activities of the law firms on its list and makes changes when needed.

If you do not have a copy of the approved list of attorneys when you need it, just call your system division or federation office and they will give you names and other necessary information. In addition, all approved attorneys are issued official Brotherhood of Maintenance of Way Employees Division credentials each year. If an attorney contacts you, be sure to ask for his credential.





Freddie N. Simpson

PRESIDENT'S PERSPECTIVE

Let's help put high-speed rail on track

The BMWED joined other rail labor organizations last month in supporting California Gov. Jerry Brown's efforts in seeing through the state's ambitious high-speed rail line — track that, upon completion,

would link Los Angeles to San Francisco. The planned route would represent the largest and most impressive stretch of high-speed rail in the United States.

Recent battles in the California legislature have pulled the brakes on bullet trains before they've even fired an engine. It was predictable. Golden State Republicans have vowed to refuse millions of federal dollars through President Obama's stimulus program — much like GOP governors in Wisconsin, Florida, and Ohio have done already — in an interest to keep corporate taxes low. They veil this intent, as they always do, with a blanketed "looking out for the taxpayer" defense, which rings hollow. They are "looking out" for their campaign donors — you know, the richest among us — who have no interest in reinvesting in public infrastructure, such as transportation. Such things happen when you represent the one percent who fly by private jet.

What's most unfortunate about the political squabble over high-speed rail in California is that the debate disingenuously purports to be a case of government oversight at the behest of taxpayers. California voters approved the high speed rail initiative at the ballot box in 2008. Ever since, Republicans have attempted to sabotage the plan by

strangling it financially. The federal government earmarked funding for high-speed rail, but the GOP has stubbornly thrown up the stop signal. Then they blame the governor, state legislature and the California High Speed Rail Authority for not having the money they promised to have ready, when in reality the GOP has created the problem. One wonders if these obstructionists hold their nose when driving on the interstate, yearning for the days of bumpy, dirt roads and horse-drawn covered wagons.

California is projected to add 20 million residents in the next 35 years. Present day highway traffic in Los Angeles is already congested beyond Chris Christie's wildest dreams. San Francisco and San Diego are hardly better. The highways of California cannot take on more traffic, and high speed rail is a remedy — one that is cleaner than carbon-polluting cars and planes and, best of all, creates thousands of railroad jobs.

According to a California High-Speed Rail Authority study, the construction of the L.A. to San Francisco rail line will generate 66,000 jobs annually for 15 years, while also leading to the direct employment of 4,500 people. An additional 400,000 long-term, permanent jobs could indirectly

result from the track construction since additional communities would become more readily accessible by train.

Gov. Brown (D) wants to use funding from the state's cap and trade program to supplement the high-speed rail project, something that is now required in light of Republican lawmakers undermining federal stimulus money designated for the project. But right-wingers won't like cap-and-trade funding either, because that money is coming out of the same pockets of their biggest campaign donors. On Fox News, they've taken to calling the plan a "scheme," a negative connotation that reveals the corporate puppet masters' distaste at spending a portion of their massive profits on public services.

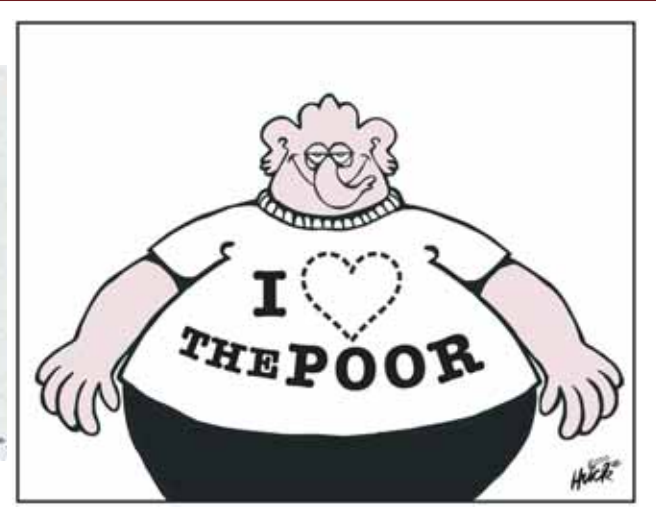
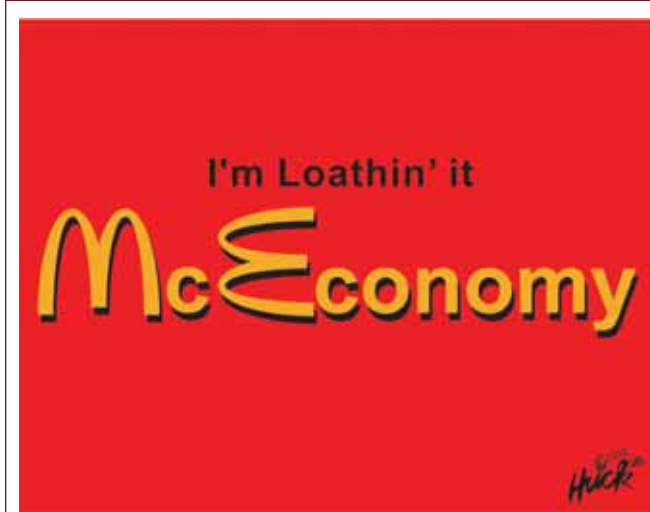
Here's a brief synopsis on cap and trade for those unfamiliar. Cap and trade programs work by setting industry-wide limits — or "caps" — on greenhouse gas emissions. A company can either curb their emissions to state clean air standards or purchase allowances to pollute more. The law dictates that money California secures from cap penalties must be spent on projects that reduce emissions to 1990 levels by 2020.

Gov. Brown is learning that Kermit the Frog was right — it's not

easy being green — especially when GOP policy makers are in the practice of undermining your plan. Republicans have taken to arguing that, sure, high-speed bullet trains will reduce CO2 pollution, just not quickly enough. It will take years, they say, for it to make any real impact — foolishly standing on this hackneyed, backwards logic that is about as rational as putting off going to the dentist until your teeth rot out.

France and Spain recently completed a high-speed rail line that links Paris to Barcelona and has cut that 12-hour commute in half to six. Another recently completed Italian bullet train from Milan to Rome has proven so successful that low-rate European airline carrier Ryan Air has recently suspended its service between the two cities. China has already employed high-speed rail throughout its country and is well ahead of most.

It is time to look to the future of American transportation and the California High-Speed Rail Line is a great place to start. Progress does not come without many challenges, but politics should not be an insurmountable hurdle. The BMWED supports high-speed rail because it is on the right track.



ROLL OF HONOR

10 year MERIT AWARD

ARTURO ANDRADE	AF-SW	1021	2003
BRYAN D ARDIS	AF-SW	1252	2003
JOHN K BARRON	CRSD	2907	2003
JAMES E BURFORD	BURNOR	0104	2003
CARMEN CARDERO	CRSD	2905	2003
STEVE G CARLTON	AF-SW	1540	2003
ROGER L CHAMBERLAND	N E	0633	2003
WILLIAM S COMPTON	ICGF	1539	2003
MAURICE O CRUSOE	AF-SE	0992	2003
WILL CUMMINGS III	AF-SE	1643	2003
JEREMY D DE DEAUX	ICGF	1539	2003
ARTIS M DELONEY	CRSF	0109	2003
JEREMY D DUKE	AF-SE	0702	2003
KALE S EDINGER	WCSD	2932	2003
MATTHEW T EGGERS	USD	0381	2003
CARL J EMERSON	USD	1847	2003
BRIAN M FENDERSON	CRSD	2908	2003
HEAVER L FOLK	AF-SE	2426	2003
SCOTT W FULCHER	ICGF	0654	2003
ALIBER E GARCIA	EJ&E	0358	2003
MATTHEW S GAWECKI	AT&SFF	2418	2003
JASON R GEIGENMILLER	AF-SW	0644	2003
BILLY J HAMBY	AF-SW	2762	2003
ERIC B HERBERT	AF-SW	2286	2003
DUSTIN W HOLLINGSHEAD	AF-SE	1857	2003
KYLE K HORTON	AF-SW	0564	2003
ERVIN T HUGHES	AF-SW	0514	2003
R A HUSTON	USD	0941	2003
GREGORY G JARVEY	WCSD	2926	2003
STANLEY E JOHNSON	AF-SW	1012	2003
Christopher C JOHNSON	USD	0508	2003
DARRIN W JONES	AF-SW	0675	2003
JOHN C KELLNER	USD	1148	2003
PETER E KENNEDY	AF-SE	0466	2003
BRIAN K LA JOIE	WCSD	2926	2003
NICHOLAS S LEE	PENN	3017	2003
ROSS J LONG	CRSD	2908	2003
MICKEY S LOWERY	ICGF	1539	2003
SAIVAAULI O MALOATA	ASF	1081	2003
RICK A MANNING	PENN	3060	2003
MITCHELL W MARCANTEL	AF-SW	1252	2003
CRAIG A MARCELLA	WCSD	2926	2003
MARK A MATA	AF-SW	0044	2003
LONNIE D MATTESON	AF-SW	1365	2003
CHARLIE H MC CLINTON JR	ICGF	2154	2003
WILLIAM E MC OWEN	CRSD	2910	2003
LUIS S MENDEZ	AT&SFF	2418	2003
HUGO C MENDEZ	USD	0508	2003
ADAM S MILLS	AF-SE	0992	2003
JOSEPH H MINOR	AF-SW	1715	2003
RICARDO MUNGUIA	AT&SFF	2418	2003
WAYNE M NEUENS	WCSD	2932	2003
FRANK H OWENS JR	ICGF	1539	2003
JAMIE L PERRY	ICGF	1171	2003
GIOVANNI PETRILLO	CRSD	2907	2003
FRANK J PUEBLA JR	AF-SW	0644	2003
JESSE R RANGEL JR	AF-SW	0644	2003
GEORGE ROBERTS II	CRSF	1356	2003
JUAN L RODRIGUEZ	AF-SW	0044	2003

JOSE A ROJAS	CRSD	2908	2003
MONTY L SCHANBACHER	AT&SFF	2407	2003
DU WAYNE SHANAFELT	PENN	3097	2003
GERALD U SMITH	AT&SFF	2412	2003
MATTHEW E STEPP	AF-SE	0665	2003
CHAD G STEWART	ICGF	1165	2003
MARK A SUAREZ	AT&SFF	2409	2003
STAN M SYRING	USD	1847	2003
RICHARD E TOLAND	PENN	3089	2003
CHRISTOPHER C WABINDATO	CRSF	0166	2003
SYLVESTER WEATHERSPOON	JRAF-SE	2163	2003
ERNEST L WHITEHEAD	ICGF	1171	2003
MICHAEL D WILHAU	USD	1847	2003
JASPER V WILLIAMS	AF-SE	0665	2003
MACY D WILLIS	AF-SW	1715	2003
RONALD J WOLFF	BURL	1302	2003
STEVEN D WRIGHT	ICGF	0654	2003
CLINTON T WURZBACH	AF-SW	0644	2003

20 year MERIT AWARD

WAYNE J ARAGON	AT&SFF	2415	1993
LEVY BEN	USD	1020	1993
SAUL BRAVO	BURL	0042	1993
JIMMY D BRIGGS	AF-SW	1099	1993
ALBERTO BUSTAMANTE	BURL	0099	1993
DANIEL L DAIL	AT&SFF	0518	1993
ERNEST DENNY	USD	1020	1993
SHANE M EDGAR	BURL	2621	1993
AARON M FLORINE	AT&SFF	2402	1993
SEAN P GALLOWAY	BURNOR	1763	1993
MARIO GARCIA	AT&SFF	2419	1993
STANLEY M GENTRY	AT&SFF	0745	1993
GEORGE E HALLORAN	N E	0633	1993
STEVEN R HENDREN	BURL	2621	1993
JUAN A HERNANDEZ	USD	1381	1993
TROY D JACKSON	AF-SW	1715	1993
GARY JOE	USD	1020	1993
TERRENCE J JOHANNIS	ICGF	0626	1993
KURT A KENDRICK	N E	0633	1993
ALFREDO LOJERO	AT&SFF	2418	1993
MIKE J MAY	BURL	2621	1993
TIMOTHY B MILLER	PENN	3041	1993
JEFFREY L PETERSON	BURNOR	0309	1993
RONALD E PRICHARD	BURL	1316	1993
JOHN P ROBERTS	USD	0918	1993
DWAYNE D SALISBURY	USD	1381	1993
CHESTER A SAYLORS	AT&SFF	0355	1993
DARRELL R SCHULENBERG	BURL	1316	1993
MATTHEW J SHERTZER	PENN	3041	1993
JOHN A SHIELDS	USD	1381	1993
DANNY E SHORES	BURL	1965	1993
ANTHONY E SILVAS	AT&SFF	2418	1993
ANTOINETTE D SMITH	AT&SFF	2418	1993
DOUGLAS L SMITH	CRSFNP	1363	1993
JEFFREY B SMITH	N E	0228	1993
ROD E SOLANO	USD	0899	1993
GREGORY D THOMAS JR	PENN	3089	1993
SHANE R THORNOCK	USD	1402	1993
JERRY D TRUITT	AT&SFF	2600	1993
PAUL J VAN DUSEN	PENN	3005	1993

JOHN A WADLOW JR	AT&SFF	0493	1993
MICHAEL T WOLFF	AF-SW	0944	1993

30 year MERIT AWARD

ANGEL E ALVAREZ	AT&SFF	2401	1983
ARTHUR L BURGESS	CRSD	2905	1983
TODD P BYRD	N E	1718	1983
RUSSELL H CROSS III	PENN	3089	1983
ALBERTO G GUERRERO	BURNOR	1453	1983
TOMMY HALL	SOU	0804	1983
GILBERT J HARDESTY	AF-SW	1099	1983
KEITH A LAKE	AT&SFF	2418	1983
HARRISON LARGO	USD	1862	1983
JOHN M LESNEFSKY	PENN	3012	1983
GARY D LINDENMUTH	PENN	3039	1983
FRANCIS MATTEI	PENN	3075	1983
JOHN F MC ATEER	PENN	3089	1983
BILL R MC CRAY	AT&SFF	2417	1983
JOHN F MC GRADY	PENN	3068	1983
M L MOATS	SOU	0567	1983
JAMES L OLIVER	PENN	3068	1983
LAWRENCE E SMITH	PENN	3075	1983
JOSEPH R STUDIVANT	PENN	3041	1983

40 year MERIT AWARD

HERIBERTO H BELMONTE	USD	1046	1973
KEITH BERNING	USD	0437	1973
MICHAEL E BOHALL	USD	0700	1973
DAVID K BORTZ	BURL	2643	1973
RICHARD W BRADDOCK	AF-SW	0203	1973
A U BRINKSCHROEDER	AT&SFF	2401	1973
JEREMIAH BROWN	AF-SW	1127	1973
THOMAS M BUCKLEY	CRSF	0482	1973
GEORGE J BURGHART III	USD	1216	1973
ERNESTO CHAVEZ	USD	0107	1973
THOMPSON D CHEE	USD	1402	1973
JACK M CHEEK	USD	0899	1973
MIKE A CHERNE	USD	2427	1973
JIM K COLE	BURL	1316	1973
RANDOLPH O CORTEZ	USD	0686	1973
HAROLD T COTTRELL JR	BURL	1832	1973
JAMES A COUSINEAU III	CRSF	0612	1973
REX P CUTLER	USD	1227	1973
GERALD D DAY	BURL	1662	1973
DALE K DULANEY	PENN	3006	1973
FLOYD G DUNCAN	AF-SE	0130	1973
RICHARD A EBY	AF-SE	1432	1973
JACK D ELLIS	BURL	1832	1973
KENNETH B ENYART	AF-SE	0460	1973
LEONEL C ESQUIVEL	AF-SW	1563	1973
JOHNNY T FERNANDER	SOU	0536	1973
STEVEN L FIELDS	BURNOR	0104	1973
DENNIS J FIGG	CRSF	1259	1973
TERANCE V FILBIN	BURL	1214	1973
MICHAEL R FINLEY	CRSF	1984	1973
JOHN W FREEMAN	BURNOR	0320	1973
GEORGE GARZA	AF-SE	2624	1973
RAY GUERRERO	EJ&E	0358	1973

RICHARD J GURZYNSKI	AF-SE	2624	1973
MARK L HACKEL	USD	0425	1973
JOHN M HERBST	USD	0278	1973
STEPHEN HILL	CRSD	2906	1973
GEORGE E HOPSON JR	CRSFNP	1997	1973
LARRY G HUGGINS	AT&SFF	2411	1973
CONRAD K HUNDLEY	AF-SE	2162	1973
CARL R JACKSON	USD	0278	1973
DENNIS D JACKSON	AF-SW	0688	1973
JOHN A JANGULA	USD	2431	1973
GILBERT JONES	AF-SW	1058	1973
REX E KRIEDEMANN	BURL	1498	1973
STEVE A LACEY	USD	0757	1973
ALLEN W LANGE	USD	1148	1973
STEVE F LAWLER	BURL	2852	1973
ERNIE W LEE	CRSF	1984	1973
GARY H LEHMANN	USD	0239	1973
GARY J LOWRY	AF-SW	0965	1973
CHARLES A LUERAS	AT&SFF	2416	1973
ROBERT E MABE	AF-SE	2102	1973
RONALD MACKLIN	AF-SE	0563	1973
WAYNE A MC DONALD	SOU	0660	1973
MIKE D MC QUITTY	USD	1517	1973
ROBERT M MILINKOVICH	DM&IR	1710	1973
HILARIO R MONTEMAYOR	USD	2853	1973
RICHARD L MONTGOMERY	SOU	0546	1973
GORDON MOORE	AF-SE	1643	1973
JERRY B MORGAN	USD	1879	1973
DAVID W MORRIS	AT&SFF	2405	1973
RANDY V MORROW	BURL	1533	1973
RICHARD D PAHLS	AF-SE	1432	1973
ANDREW M PAPPAS	DM&IR	1710	1973
CRAIG C PETERSON	BURNOR	1426	1973
ARLEN R PETERSON	BURL	1214	1973
RICHARD E POND	USD	1757	1970
MICHAEL R POOLE	AT&SFF	2413	1973
ROBERT E PUCKETT, JR.	AT&SFF	2409	1973
ARTURO ROMERO	USD	0918	1973
GREG A SANDSTROM	BURL	0509	1973
WALTER D SAUNDERS JR	AF-SE	2912	1973
STEVEN J SCHAEFFER	CRSF	0704	1973
RONALD W SCHLEGEL	CRSF	0707	1973
GENE A SCHMELING	BURNOR	0297	1973
LEON SMITH	AF-SE	1643	1973
STEVE R SOSBY	SOU	0673	1973
GLENN E SPIECE	SOU	0523	1973
ROBERT W STORER	AT&SFF	2405	1973
WILLIAM E STRUNK	USD	0381	1973
STEVEN W SUMMERS	USD	1133	1973
MARTIN R SUSTAITA	AF-SW	1365	1973
RONALD L SUTTON	AT&SFF	2404	1973
DAVID P THOMAS	AF-SE	0424	1973
MICHAEL E THOMAS	AT&SFF	2414	1973
RICHARD A TUOMI	DM&IR	1710	1973
KURT J VANDERMARK	CRSF	1350	1973
VICTOR P VILLARREAL	AF-SW	1058	1973
VERNON J WELLS	AF-SE	2624	1973
JAMES J WILSON JR	ASF	1700	1973
TIMOTHY D WOODWARD	CRSFNP	1664	1973
RICARDO L ZAVALA	USD	0591	1973
D E ZUEGE	BURL	1351	1973

60 year MERIT AWARD

L E SMITH	ASF	0551	1953
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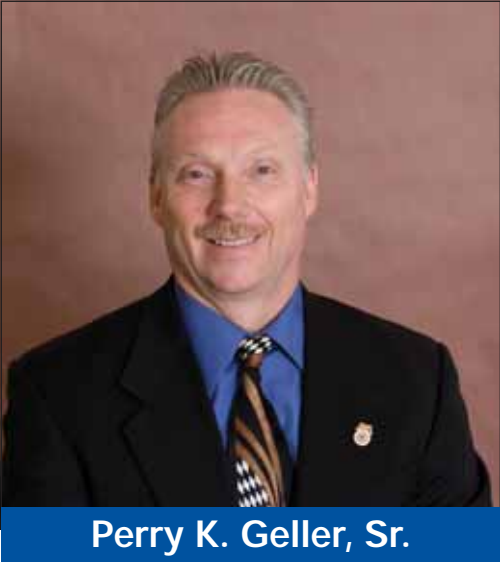
A Reminder on Holiday Rules

If you are a furloughed employee of a railroad covered by the U.S. National Agreement with at least 60 days of seniority or 60 calendar days of continuous service preceding a covered holiday, and if you had compensation paid by the carrier credited to 11 or more of the 30 calendar days immediately preceding the holiday, you may be entitled to pay for that holiday even though you are furloughed.

For detailed information contact your General Chairperson.

The complete list of holidays are:

- New Year's Day
- President's Day
- Good Friday
- Memorial Day
- Fourth of July
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve (the day before Christmas is observed)
- Christmas Day
- New Year's Eve (the day before New Year's Day is observed)



SECRETARY-TREASURER'S REPORT

Sometimes even the simplest concepts of law become convoluted volumes of words and clauses that confuse and confound. There are many well-intended laws or regulations that become tortured examples of

bureaucratic "mumbo-jumbo" by the time they work their way through the legislative/regulatory process from concept to law.

The convoluted process of lawmaking has been a source of ridicule and consternation for virtually all of recorded history. Undoubtedly, the ancient empires of the world wrestled with the ugliness and inefficiencies of lawmaking; just as modern governments and legislative bodies wrestle with it today.

Otto Von Bismarck, a 17th Century German Chancellor, best captured the ugly essence of lawmaking. Bismarck said, "The man who wishes to keep his respect for sausages and laws should not see how either is made." Bismarck's observations are timeless and easily apply to many aspects of our union lives; collective bargaining, legislation, and regulatory rulemaking just to name a few.

The Final Rule on roadway worker Adjacent Track Protection, published on Jan. 10, 2014, epitomizes sausage-making at its worst.

In 2006, after nearly two years of negotiated rulemaking through the FRA's Rail Safety Advisory Committee (RSAC), BMWED, BRS, the railroad industry, and the FRA reached consensus on proposed language to strengthen the provisions of adjacent track safety under the Roadway Worker Protection regulations. That consensus language, a mere three-quarter page of text, was unanimously approved by the full RSAC and forwarded to FRA for rulemaking in 2007.

FRA published a proposed rule on adjacent track protection in July 2008, but withdrew it in August 2008 after loud and persistent protests from BMWED and BRS due to significant deviations from the consensus agreed to in 2006. In November 2009, FRA issued a second revised proposed rule and BMWED and BRS again protested the proposed rule's significant deviations from the consensus agreement. Largely dismissing Labor's legitimate protests, the first iteration of a revised Final Rule was published by FRA in

November 2011, with an effective date of May 1, 2012.

Immediately following publication of the 2011 Final Rule, the Association of American Railroads, the American Regional and Short Line Railroad Association, the American Public Transportation Association, and several individual railroads filed Petitions for Reconsideration, with FRA claiming the cost of providing adjacent track protection under the Final Rule was too high.

In response to the railroads' petitions, FRA postponed the effective date of the rule until July 1, 2014. Then, on Jan. 10, 2014, FRA issued revisions to the Final Rule; providing the industry with additional exceptions to adjacent track protection as a cost saving measure.

In the grand tradition of sausage-making, the revised Final Rule includes over 30 pages of preamble discussion and regulatory text. On its face, it is one of the most convoluted and difficult to read regulations I have seen in my entire railroad career. The Final Rule is

loaded with exceptions that unfortunately diminish some of the protections BMWED had fought to preserve since the original consensus was reached in 2006. In the end, too many government lawyers and bureaucrats bending to too much political pressure from the railroads finished making the sausage.

In Otto Von Bismarck's sausage analogy, he was also quoted as saying "With reference to the laws, knowledge of how they are made may increase our respect for them and their makers; and if it does not, we are at least able to express our dissatisfaction in an intelligent manner."

Here, I express my dissatisfaction with the almost decade-long rulemaking process and the exceptions/exclusions granted in the Adjacent Track Final Rule. I assure you that BMWED will continue the fight to strengthen on-track safety until every member gains the full promise of the law: "Freedom from the danger of being struck by moving trains and equipment."

NOTICE

Article XV, Section 8 – Transfer Refunds

Sec. 8. Refunds of monthly dues, fees and assessments for those who transfer outside the jurisdiction of BMWED will only be allowed for the

months following the month the applicable General Chairman involved receives a written request and/or a valid revocation of the Dues Deduction Agreement wage assignment authorization. A notice pertaining to the Brotherhood's dues refund Bylaws provision will be published semi-annually in the Secretary-Treasurer Report of the *Journal* or its successor publication.

Wisconsin Central and the Duluth, Missabe & Iron Range System Divisions Merge

The Duluth, Missabe & Iron Range System Division Joint Protective Board met Dec. 17, 2013 and voted to merge with the Wisconsin Central System Division. The Wisconsin Central System Division Joint Protective Board also approved the merger, making it effective Jan. 1, 2014.

The merger comes on the heels of discussions between WCSD General Chairman Joe Letizia and DM&IR General Chairman Mike Nagle, who had laid the groundwork and provided the Board members with the information needed to make a decision to move the merger forward.

WCSD General Chairman Joe Letizia offered, "This merger will unite two systems who share a common territory, carrier, strength, and optimism. The last six years have been very trying for both systems due to a prolonged bargaining round. This has served only to solidify the two systems as proven by this merger. I look forward to the future of this system as we now move forward together with our Brothers and Sisters from the DMIR."

The name of the merged System Division will remain the Wisconsin Central System Division. The officers of the system division are:

- General Chairman, Joe Letizia
 - Vice Chairman/Secretary-Treasurer, John Dake
 - Vice Chairman North, Mike Nagle
 - Second Vice Chairman, Tom Daffinson
- The new Joint Protective Board will meet again and hold elections in October 2014.



General Chairman Joe Letizia (far right) with members of the DM&IR Joint Protective Board.





Fatality Analysis of Maintenance-of-Way
Employees and Signalmen

January 6, 2014

Dedication:

The FAMES Committee dedicates its efforts to all roadway workers who have lost their lives in the performance of duty and to the families, loved ones, and coworkers they have left behind.

Fatal Accidents Under Train Approach Warning (Watchman/Lookout)

Mission Statement:

The Mission of the Fatality Analysis of Maintenance-of-way Employees and Signalmen (FAMES) Committee is to analyze all fatalities and selected related incidents in order to make recommendations to reduce the risk of future occurrences and eliminate fatalities to roadway workers.

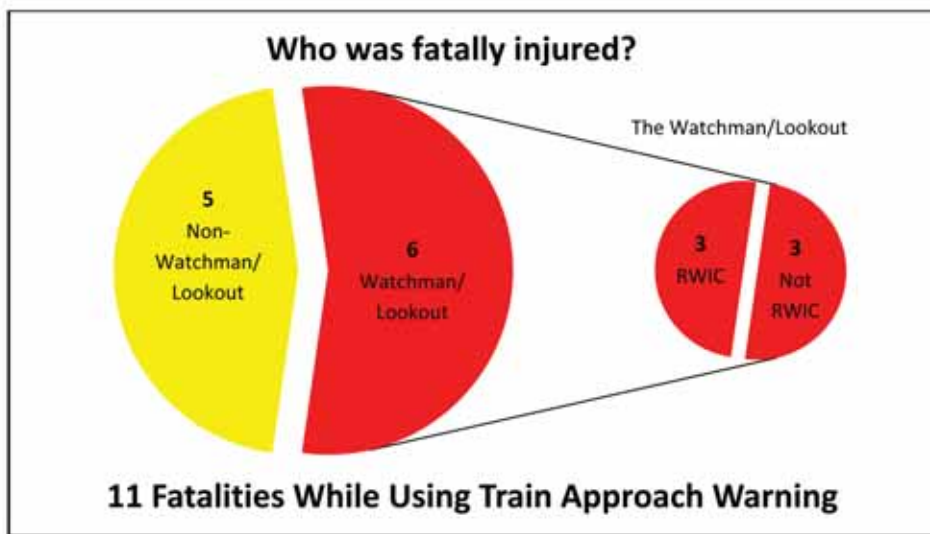
Fatal Accidents Under Train Approach Warning (Watchman/Lookout)

Following the implementation of the Roadway Worker Protection (RWP) Rule in 1997, there have been a total of 42 fatal RWP accidents, in which 44 roadway workers have perished, as of January 1, 2012. The FAMES Committee was able to obtain data to analyze 39 fatal RWP accidents, which accounted for 41 of the 44 fatalities. The FAMES Committee analysis is based on the available data.

One form of On-Track Safety for Roadway Work Groups is "Train Approach Warning" (TAW) provided by Watchmen/Lookouts.

- TAW (often referred to as Watchman/Lookout) does not require trains to get authorization from the Roadway Worker in Charge (RWIC) to move on any track(s).
- When using TAW, a warning must be given in sufficient time to enable each Roadway Worker to occupy a previously arranged place of safety at least 15 seconds prior to a train passing the Roadway Worker's location.
- Watchmen/Lookouts must be trained, qualified, and properly equipped to provide warning to Roadway Workers of approaching trains or on track equipment.

Of the 41 Roadway Worker fatalities analyzed by FAMES, 10 accidents resulting in 11 fatalities occurred where TAW was being used.



FAMES, Continued on Page 22

Apple Setup Instructions

From your Apple device, open the App Store, single click the Search button that is in the bottom, right corner. At the top of the screen, type "rss" in the search field and click Search. Scroll down the results until you get to XFeed RSS Reader and click it. You will be presented with more info on the application. Single click the Free button so it changes to say Install. Single click the Install button so the app is added to your phone. Once finished, click the icon to start the app. Single click the Plus button at the bottom of the screen and type <http://www.bmwe.org/rss.xml> in the feed URL box. Single click Search so the feed can be found.

Android Setup Instructions

Open the Market. Single click the Search button in the upper, right hand corner. At the top of the screen, type rss in the search field and click Search. Scroll down until you get to "gReader (Google Reader / RSS)" and click it. Single click the Download button. Single click the "Accept & download" button. Once downloaded click the "Open" button. Select your Google account and click "Allow." Single click the + in the upper right-hand corner and type <http://www.bmwe.org/rss.xml> in the feed URL box. Select Search. Once the feed is found click the + sign to add the feed.



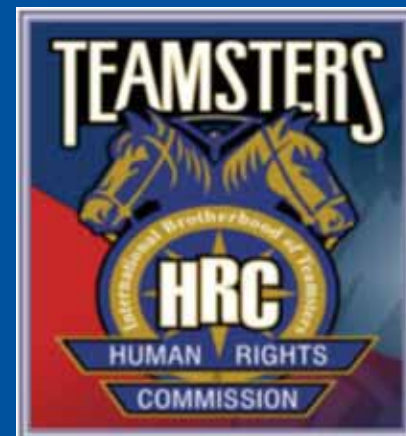
Scan me for instructions to download the app for BMWED news

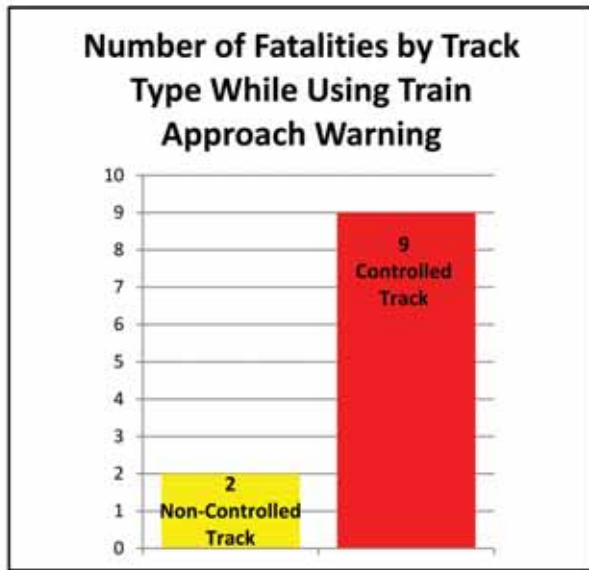
Change of Address Request

Please remember to notify your System Office or the National Division of any change of address or telephone number. It is vital that this information be kept current. Railroad employers do not always provide this information to the BMWED.

Learn more about the Teamsters Human Rights Commission, and how you can participate.

Contact BMWED Vice President Roger Sanchez at (281) 354-4812, or, by email at lodge1507@aol.com.





In 4 of the 10 fatal accidents, the Watchmen/Lookouts were not using prescribed warning devices, such as a whistle, air horn, white disk, red flag, lantern, or fusee. In one fatal accident under TAW, FAMES was unable to determine if the Watchman/Lookout was equipped with such devices. In the other five fatal accidents, the Watchmen/Lookouts were equipped with the prescribed warning devices.

Findings:

- In 6 of the 10 fatal accidents, the Watchman/Lookout was the fatally injured employee.
- 9 of the fatal accidents occurred on controlled track.
- In 3 of the fatal accidents, the Watchman/Lookout was performing other duties or not focused solely on the detection of approaching trains when the fatality occurred.
- In 1 accident, the fatally injured Roadway Worker was not in a position that allowed him to receive the TAW.
- In 4 of the fatal accidents, trains were running against the anticipated flow of traffic.
- In 2 of the fatal accidents, two trains passed in close succession and a Roadway Worker was struck by the second train.

Recommendations:

- Watchmen/Lookouts must focus their sole attention to the detection of approaching trains and equipment.
- Watchmen/Lookouts should position themselves outside the foul of any track whenever possible. Each Roadway Worker must maintain a position so he or she can receive a warning from a Watchman/Lookout at all times.
- Whenever environmental or working conditions change that could interfere with a Watchman/Lookout's ability to detect the approach of a train or provide appropriate warning, the Watchman/Lookout must immediately clear Roadway Workers from the tracks until proper protection can be established.
- Watchmen/Lookouts should take into consideration that passenger trains are generally quieter and faster than freight trains.
- If the work requires oversight and supervision from an RWIC, the RWIC must not perform the duties of a Watchman/Lookout.
- The RWIC must communicate precise instructions and expectations to Watchmen/Lookouts during the on-track safety briefings and ensure that Watchmen/Lookouts have a clear understanding of their responsibilities and duties.
- The RWIC should consider rotating Watchman/Lookout assignments periodically.
- During the on-track safety briefing, the RWIC must identify the method that the Watchman/Lookout will use to indicate when it is safe for Roadway Workers to re-enter the foul of the track.
- Roadway Workers must not be in the foul of the track anytime they believe that TAW protection is insufficient or no longer appropriate. Roadway Workers have the right and responsibility to initiate a good faith challenge when necessary.

NEVER ANTICIPATE THE DIRECTION OR TRACK FROM WHICH THE NEXT TRAIN MAY APPROACH.

The FAMES Committee consists of safety representatives from a cross section of rail labor, railroad management, and federal regulators. FAMES is a continuous improvement process that relies on the candid sharing of available data and the views of its participants. To enable the process, FAMES explicitly refrains from making any findings regarding whether any past or present practice or protocol satisfies any legal duty or standard of care.

The views, opinions, and recommendations contained in this report are those of the FAMES Committee and do not necessarily represent the views, opinions, or recommendations of any specific railroad, labor organization, or governmental agency.

QR Codes

A QR code (Quick Response Code) is a two-dimensional code that can be scanned with a mobile phone to gain access to specific information via the mobile web.



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If you have a special hobby or talent, hold public office, or have a story you would like to share, we would like to hear from you. Share your story with our BMWED Brothers and Sisters in the *BMWED Journal*.

Please send us your pictures and brief details along with a name, address and telephone number.

You may email, or send by U.S. Mail to:
cballew@bmwe.org

Or,
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c/o Clark Ballew
41475 Gardenbrook Road
Novi, MI 48375-1328



Around the Brotherhood

Allied Federation Local Lodge 1563 Conducts Regular Quarterly Meeting

Guadalupe R. Hinojosa Honored

Allied Federation Local Lodge 1563 held their regular quarterly meeting in Laredo, Texas, Dec. 28, 2013. Allied Federation Vice Chairman Pedro "Pete" Amaro was on hand at his home lodge to discuss issues with the members.

During the meeting, the lodge members honored Brother Guadalupe Hinojosa on the occasion of his retirement. He was presented a plaque representing his 35 years of membership in the BMWED. The lodge also presented him with a watch.



Allied Federation Local Lodge 1563 members and guests.



Left to right, Pete Amaro, Guadalupe Hinojosa, and Local Lodge President James Tetzlaff.

Allied Federation Local Lodge 562 Members Attend Annual Christmas Dinner

Allied Federation Local Lodge 562 held their annual Christmas dinner and meeting in Florence, S.C., Dec. 14, 2013. Both BMWED South Region Vice President Roger Sanchez and Allied Federation Vice Chairman Russell Farmer were in attendance.



Allied Federation Local Lodge 562 members and guests.

Burlington System Division Members Make the News

Burlington System Division Members employed by Metra made the local news in December when they were spotted by the camera unloading salt to keep the train platforms slip-free at Lake Villa, Ill. The picture captured Tony Mieszanek passing down salt bags from a truck to Scott Alexander and Bill Dehn in -7 degree weather. They are members of Metra's Fox Lake Bridge and Building crew. All are members of Local Lodge 2857.



BMWED members Scott Alexander, Bill Dehn, and Tony Mieszanek (in truck). Photo courtesy of Lake County News-Sun

Burlington System Division Local Lodge 961 Conducts Regular Quarterly Meeting

Burlington System Division Local Lodge 961 held their regular quarterly meeting Dec. 7, 2013. Burlington System Division Vice General Chairman Roy Miller was on hand to discuss issues with the members.



Burlington System Division Local Lodge 961 members and guests.

Allied Federation Local Lodge 2163 Conducts Regular Quarterly Meeting Retirees Honored

Allied Federation Local Lodge 2163 held their regular quarterly meeting January 24, 2014, in Waycross, Ga. During the meeting three Local Lodge 2163 retirees were honored. Those honored included; 36 year veteran Machine Operator Wayne Waldron, 37 year veteran Track Inspector Terry Kearson, and 37 year veteran Mechanic Jimmy Griffin. Each were presented with a plaque for their years of membership in the BMWED and a \$50 gift certificate.

Brother Terry Kearson served as a member on the Joint Protective Board for the former Atlantic Coast Line Federation and the former Allied Eastern Federation, now the Allied Federation.



Left to right, Wayne Waldron, Allied Federation Vice Chairman Russell Farmer, Terry Kearson, and Jimmy Griffin (picture submitted by Local Lodge President Tom Boyd).

Continued on Page 24





Burlington System Division Local Lodge members and guests.

Burlington System Division Local Lodges Attend Annual Christmas Dinner

Burlington System Division Local Lodges 783, 788, 798, 1533 and 2621 gathered in Macomb, Ill. on Dec. 7, 2013, for their annual Christmas dinner. The members and guests enjoyed fellowship and a great meal which was prepared by the women of the local VFW Post.

During festivities, a bench built by retired Vice General Chairman Don Willing was raffled off to assist brother Rodney Malcomb with his medical expenses. The raffle was held prior to and during the Christmas dinner and a total of \$1,205 was raised for brother Malcomb. Greg Nichols won the bench and donated it back for auction.

BMWED Womens' Committee Announces Raffle Winners

The BMWED Womens' Committee held a raffle recently to raise money to assist in the expense for the BMWED women while attending the Teamster Womens' Conference. A quilt made by Sister Jennifer Ross was raffled off and won by Teamster Sister Jessica Brewer.

This is the second year Sister Ross has made and furnished a quilt for the raffle. She is a member of Burlington System Division Local Lodge 788. The Committee made over \$1,200 selling raffle tickets and t-shirts.



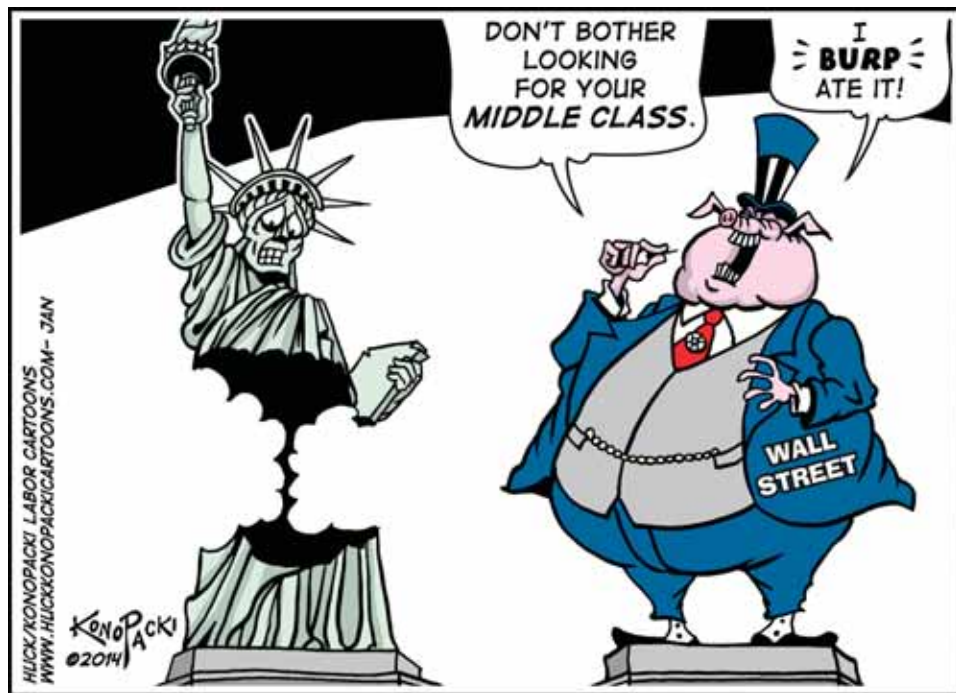
Raffle winner Jessica Brewer (center in baseball cap).

Illinois Central Gulf Federation Local Lodge 616 Members Attend Annual Christmas Dinner

Illinois Central Gulf Federation Local Lodge 616 held its annual Christmas dinner Dec. 20, 2014 at the Townsend Community Center in Columbus, Mississippi. Members shared a hearty meal and much fellowship.



Illinois Central Gulf Federation Local Lodge 616 members and guests (Picture Submitted by Local Chairman Voncha Halbert pictured far right).



At the Colorado Railroad Museum, Brother Art Mitchell takes on volunteering with a full head of steam

When Engine No. 346 steams up, it literally stops traffic. Along both sides of nearby West 44th Avenue, curious drivers pull over to gawk. If you're heading to the grocery store, it can wait. If it's nine degrees outside in Golden, like it was on this late December afternoon, what the heck, roll your window down anyway. The impulse to snap some roadside pictures of the antique Denver & Rio Grande Western locomotive, as it choo-choos its way out of the 19th Century and onto your cell phone screen, is just too strong. These shots are going to get some "likes" on Facebook.

Inside the locomotive, pulling the levers, is Brother Art Mitchell. This is what Art loves — engineering old steam locomotives. Let's face it, running steam engines around the 1/3-mile loop of narrow gauge track is a grown man's version of playing with a Lionel train set. And there's nothing wrong with that, because it's super fun. A ride on the No. 346 is a step back in time. Volunteers do all the heavy lifting, and there are a lot of working parts, most of which are coated in soot. If you don't know what you're doing, the job of steam locomotive engineer can be dangerous, and keeping the gauges at the proper levels of pressure are of vital importance. Brother Art revels in it.

"There's a lot to learn. I mean, yeah, you can read a book about it, but until you actually pull the throttle on one, you don't know how to run one," Art said. "Person-

ally, diesels don't interest me much. They're so darn easy to run."

Brother Art says this with a smile. Since retiring in June 2012, Art has spent most of his days at the Colorado Railroad Museum as a volunteer. This past year, over 100,000 people visited the museum, mostly on Saturdays, because that's when the trains run. "Steam up Saturdays," the museum calls them. Art, who for 35 years worked in nearby Fort Collins, most of that as a track foreman for BNSF, is one of five volunteers who are capable of running the museum's fleet of steam engines. He also is the museum's track foreman, and his 10-man team of gandy dancers have built a considerable portion of the property's tracks.

Eight years ago, the Colorado Railroad Museum called Brother Art and asked for his help. They had volunteers who knew trains, but they needed a track guy. Badly. Because the museum operates all its antique trains on three-foot narrow gauge track, a lot of the rail components are relics, rendering track work and maintenance expertise difficult to find. Art was the perfect man for the job.

"I saw how woefully bad they needed someone who knew track work, and I've been here ever since," said Art, a member of Burlington System Division Local Lodge 14. In those eight years, he and his crew of volunteers have improved things considerably.

"There's no track at the railroad museum under FRA Class 3 specs,"



Brother Art Mitchell, retired from Burlington System Division Lodge 14, stands beside the Denver & Rio Grade Western No. 346 on the grounds of the Colorado Railroad Museum in Golden.



Brother Art shovels coal into the engine's firebox. It is important to keep the burning coal evenly spread to avoid cool spots.



Engine No. 346 was a captivating sight chugging over snow-covered track.

Art said. "Of course, we're not going to do anything over 40 mph, but we're qualified for it."

When Art walks the tracks at the museum, he can point to various segments and easily recall where and when he found and installed the upgrades. A lot of the rail, ties, switch points and frogs came from old material off the Colorado & Southern (later the BNSF), where Art began his career in 1969. Many pieces of rail that were destined for the scrap yard, Art was able to persuade the roadmaster to give to him instead. Art, in turn, not only donated the rail to the museum, but helped install it. Several of the pieces were old track components that

Art Mitchell, Continued on Page 26



Art Mitchell, Continued from Page 25



Volunteers use the manually-powered turntable to spin the No. 346 into position.

are almost impossible to find, making his donations a particularly valuable coup for the museum.

But if you press Brother Art for his real passion, he'll tell you it's engineering the steam locomotives. The Denver & Rio Grande Western 346 that he drove this past Christmas on special "Santa Express" runs is one of his favorites, and Art can detail its great history.

Built July 9, 1881 by the Baldwin Locomotive Works in Philadelphia, the engine was one of the biggest and most powerful of its time. Used on the old D&RG to negotiate the steep inclines of the San Juan Mountains to the Cumbres Pass, the locomotive was instrumental in moving freight into new, previously unreachable areas.

Inside the locomotive, etched in the handle of the throttle and still visible today, are the initials of engineer Eugene McGowan, who presumably carved them there sometime in the early to mid-1930s. On July 25, 1936, Engineer McGowan was killed when the 346 derailed near the summit of Kenosha Pass. After the tragic derailment, the 346 was repaired and used mostly as a switch engine in Durango until it was eventually replaced by diesel locomotives.

The volunteers at the Colorado Railroad Museum have restored the 346 into her former glory, and Brother Art can't rave enough about the work the mechanics have done to get the engine up and chugging. Art heaps a lot of praise on Master Mechanic Mike Spera, who he says has been invaluable to the museum.

"Mike has this engine running

the best I've seen it since I've been here," Art said. "It really is a great testament to him and his team."

An even bigger and more astonishing project awaits inside the roundhouse building, and Art can hardly conceal his excitement for the behemoth. Restoring the Denver and Rio Grande Western No. 491 is a monumental achievement for the museum, and Art speculates that the work will be finished by this spring. He is excited.

"There were only 10 made like it, only eight are surviving, and, when finished, the 491 will be the only one operational," he said. "It will be the largest operating narrow gauge steam engine in the Western Hemisphere." The 491 last steamed up in 1966.

For Art, volunteering at the museum is a part of him that he can't let lie dormant. It's in his blood. His grandfather ran the last steam locomotive used in Massachusetts, at the now closed Fletchers Quarry. When Art speaks of being able to run the 491 in just a few short weeks, he wears his excitement like a conductor wears overalls. Art has been a train fan for a long time. If you get a chance, you should let him take you for a ride.



Above: The No. 346 stops at the water tower to fill up.

Bottom: Brother Art enjoys the view as only the engineer can while taking the No. 346 for a spin.





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New Allied Federation Local Lodge 2432 Chartered in Waco, Texas

The newly chartered Local Lodge 2432 held their first meeting and elected officers on Dec. 14, 2013. Petition for the new local lodge was approved after members lobbied for a lodge closer to their work location. Prior to the new lodge being established the closest lodge was nearly 200 miles away.

Many of the members transferring to the new lodge are from the former Southwestern Federation, who have found it hard to attend in the past due to the hardship created from the distance to the closest lodge in Dennison, Texas.

Allied Federation Vice Chairman Pete Amaro had been attempting to get the signatures necessary to petition for a new lodge in Waco but had found it difficult until the Southwestern Federation merged with the Allied last year.

Brother Amaro offered, "The members of the newly formed lodge are glad to have a lodge close enough for them to attend and are eager to take part. I would like to especially thank Brother Tony "Red" Lowe, who was instrumental in getting the required signatures to petition for the lodge. I'm confident the new lodge in Waco will continue to grow."

Allied Federation Vice Chairmen Pete Amaro and Bubba Foehr were on hand for the election and installation of officers.

The newly elected lodge officers are:

- President, Tony "Red" Lowe
- Vice President, Larry Donaldson,
- Secretary-Treasurer Derrick Drews



Pete Amaro far left, Bubba Foehr far right, with members of Lodge 2432.



Left to right, Vice President Larry Donaldson, President Tony Lowe, Secretary-Treasurer Derrick Drews, Vice Chairman Pete Amaro.



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